UNITED
NATIONS

CEDAW

Convention on the Elimination of All Forms of Discrimination against Women

Distr.
GENERAL

CEDAW/C/5/Add.66/Rev.1
16 August 1990

ENGLISH
ORIGINAL: ARABIC

Committee on the Elimination of Discrimination
against Women (CEDAW)

CONSIDERATION OF REPORT SUBMITTED BY STATES PARTIES
UNDER ARTICLE 18 OF THE CONVENTION

Initial reports of States parties

Addendum

IRAQ*

* CEDAW/C/5/Add.66 was not issued in French, Spanish, Russian and Chinese.

V.90 87182 8728e

IRAQ'S INITIAL REPORT ON THE APPLICATION OF THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

FOREWORD

Iraq's ratification of and accession to the Convention on the Elimination of All Forms of Discrimination against Women took place though Law No. 66 of 1986 dated 28 June 1986.

Article 2 of the said Law reads as follows:

"The ratification of and accession to this Convention shall not mean that the Republic of Iraq shall be bound by the provisions of paragraphs (f) and (g) of article 2 of the Convention, nor by the provisions of paragraphs 1 and 2 of its article 9. Iraq's ratification of article 16 shall be subject to the provisions of the Islamic Shariah regarding the husband's rights and the achievement of balance between the rights of husbands and those of wives. Another reservation concerns paragraph 1 of article 29 of the Convention dealing with international arbitration in relation to the interpretation or the application of the Convention."

The Law ratifying the Convention was published in the Iraqi Official Gazette No. 3107 dated 21 July 1986.

The instrument of accession to the Convention was deposited with the Secretary-General of the United Nations on 13 August 1986. Under paragraph 2 of article 27 of the Convention, the Convention entered into force for Iraq on 12 July 1986.

The initial report concerns Iraq's application of the provisions of the Convention up to the end of 1989 keeping in mind the following basic considerations:

1. The need to consider the text of the preamble of the Convention an integral part of the text of the Convention, particularly as regards the close association between women and their societies on the one hand and the present international order on the other.

We refer in particular to the ninth, tenth and eleventh paragraphs, where it is stated:

> That the establishment of the new international economic order based on equity and justice will contribute towards the promotion of equality between men and women;
>
> That the eradication of apartheid, of all forms of racism, racial discrimination, colonialism, neo-colonialism, aggression, foreign occupation and domination and interference in the internal affairs of States - is essential to the full enjoyment of the rights of men and women; and
>
> That the strengthening of international peace and security, the affirmation of the principles of justice, equality and mutual benefit in relations among countries, and the realization of the rights of peoples under alien and colonial domination and foreign occupation to self-determination and independence, as well as respect for national sovereignty and territorial integrity, will contribute to full equality between men and women.

2. The fact that the question of the elimination of discrimination against women constitutes part of States' commitment to the provisions of international law relating to human rights and should not be considered apart from that commitment. The Convention should be interpreted within this framework and must not be separated from the other international instruments on human rights. Women are a fundamental component of society and their problems cannot be solved in isolation from those of society as a whole.

3. The fact that the purpose of the Convention is the achievement of balance in society's attitude to men and women in terms of their rights and obligations, and their participation in the development of the community, the elimination of the backward vision of the relation between women and men, and its replacement by a balanced vision of women and equal treatment of women taking into account their human value and their role in society.

PART I

Summary review of the political and legal evolution in the elimination of discrimination against women within the social and economic framework in Iraq

Discrimination against women is the outcome of the accumulation of political, economic and social backwardness and it was the Revolution of 17-30 June 1968 in Iraq which underscored the importance of women in society and the need to eliminate attitudes based on regarding them as being inferior to men.

Such elimination requires a serious political will which persistently endeavours progressively to restore to women their effective role in society. This role should not be confined to procreation but must extend to all fields of political, social, economic and cultural life. The political leadership of Iraq has expressed its serious intention to eliminate discrimination against women in various legislative texts, the first and foremost of which is the Constitution as the country's basic law. Other laws have followed which consecrate the principle of equality between men and women.

The present report contains a detailed account of such legislation and its effective application in Iraq before the adoption in 1979 of the Convention under review, and after Iraq's accession thereto.

Following Iraq's accession to the Convention and its commitment to the guidelines adopted by the Committee on the Elimination of Discrimination against Women in its resolution dated 23 August 1983, we wish to describe the general legal framework for the elimination of discrimination against women before we deal in detail with the application of legislation with respect to each of the rights provided for in the articles of the Convention.

A. The demographic situation of women in Iraq

It was estimated in 1988 that the total population of Iraq was about 17,250,000 of whom 8,864,000 were men and 8,386,000 were women, i.e. women represented 48.60 per cent of the total. In 1986, the year in which the Convention entered into force for Iraq, Iraq's total population was 16,110,000 of whom 8,283,000 were men and 7,727,000 were women, i.e. women represented 48.58 per cent of the total. In 1970, the total population was 9,440,000 of whom 4,754,000 were men and 4,686,000 were women, i.e. women represented 49.6 per cent of the total.

The above figures indicate that half the population of Iraq are women and that discrimination against women would jeopardize the development of society and hinder the implementation of development plans. The elimination of discrimination against women is not an easy task; it requires intensive efforts, a political will recognizing the dimensions of the problem, and drawing up of practical plans conducive to the achievement of the desired objectives.

B. The legal basis for the elimination of discrimination against women

The constitutional rule on the subject is article 19 of the Constitution adopted on 16 July 1970 which provides that:

(a) Citizens are equal before the law without distinction on grounds of sex, race, language, social origin or religion;

(b) Equal opportunities for all citizens shall be ensured within the law.

Several other legislative texts have since been adopted concerning the elimination of discrimination between men and women, including Law No. 91 of 1975 on the equality of men and women in financial rights and privileges, and Law No. 35 of 1977 which aims at replacing applicable laws and legislation with others more in line with the aims of the Revolution in creating a new society based on equality.

Iraq has acceded to the two covenants on Human Rights, article 2 of each of which includes provisions relating to the elimination of discrimination against women. It has also submitted periodic reports on the application of both covenants to the competent United Nations commissions which have received them with approval.

Reference may be made, for example, to Iraq's initial report on the International Covenant on Civil and Political Rights (CCPR/C/1/Add.45) as well as the second report thereon (CCPR/C/37/Add.3), and to Iraq's initial report on the implementation of the International Covenant on Economic, Social and Cultural Rights (E/1980/6/Add.4) as well as the second report thereon (E/1986/4/Add.3).

Iraq has also acceded to the International Convention on the Elimination of all Forms of Racial Discrimination and has regularly reported on its implementation, the latest report being the tenth.

C. Institutions concerned with women's rights in Iraq

The principal institution concerned with women's rights in Iraq is the General Federation of Iraqi Women established by Law No. 139 of 1972. According to this Law the Federation is a public utility institution having legal personality, with full legal competence and administrative and financial autonomy.

The Federation is a mass democratic and progressive organization representing Iraq's women without any distinction on grounds of race, language or social or religious origin. It forms an integral part of the progressive women's movement in the Arab world and an extension of the contemporary world emancipatory democratic movement (article 2 of the Law).

The goals of the Federation are set forth in article 3 of the aforementioned Law as follows:

A. At the Iraqi national level

1. Preparation and mobilization of Iraqi women to enable them to assume an effective role in the struggle of the Arab nation against imperialism, zionism, reactionism and backwardness, with a view to achieving progress and the establishment of a unified socialist democratic community;

2. Raising women's status in Iraq by all possible means; ensuring equal rights for them in political, civil, economic, social and cultural fields; providing them with equal work opportunities and developing their potential so that they may assume high-ranking public offices, thus enabling them to defend their rights and interests and work towards abolishing existing statutes, customary laws, regulations, usages or practices that discriminate against women;

3. Protection of national unity through the spreading of progressive national awareness among women and the public at large, as well as the fostering of solidarity and struggle-based relations with popular and professional organizations in rendering services; popular action; civil defense; participation in economic, social and cultural development programmes and building up of revolutionary Iraq.

B. At the Arab national level

1. Fostering ties of fraternity among Arab women in all countries, as well as the exchange of experience and the promotion thereof through co-operation;

2. Achievement of a united progressive Arab women's movement, working with the General Federation of Arab Women;

3. Promotion of close ties with various organizations in the Arab world and co-operation with them, aiming at strengthening mutual ties in the struggle for a better life, and sparing no effort or sacrifice to help and support these organizations against any oppression or maltreatment;

4. Active participation in the Arab revolutionary movement for the liberation of Palestine and the other Arab occupied territories and the final elimination of all forms of imperial and zionist presence in other parts of the Arab nation in order to build a society of unity, liberty and socialism.

C. At the international level

1. Supporting revolutionary movements striving to put an end to colonialism, world imperialism, reactionism and all forms of aggression; as well as emphasizing the right of all peoples to freedom and self-determination and consolidating the foundation of world peace based on justice;

2. Achieving optimum forms of solidarity with progressive and friendly women's organizations in the world and participating effectively in their activities;

3. Joining the membership of progressive international women's organizations or concluding bilateral protocols with them;

4. Presenting national issues and defending them, while endeavouring to convince international women's organizations to uphold the equitable national rights of the Arab nation;

5. Fighting zionist and colonialist activity as well as racial discrimination, class exploitation and national persecution, while emphasizing full equality in human value with respect to all rights and obligations of individuals, without discrimination on grounds of sex, race, social origin or religion.

Means used by the General Federation of Iraqi Women to achieve its goals

The aforementioned Law provides in its article 4, as amended, that the Federation shall endeavour to achieve its goals by carrying out the following activities and services on behalf of women:

(a) Co-operating with official and non-official institutions concerned with women, families, mothers and children, and encouraging women to join those institutions and take part in their activities with a view to enhancing the spirit of co-operation, collective work and the practice of democracy among women;

(b) Establishing and managing special institutions for women's affairs, for raising women's social, cultural and health standards and providing care to families, mothers and children, within the Federation's means;

(c) Holding symposia, debates, lectures and slide presentations; drawing on the experience of other information media with a view to sensitizing the public regarding the necessity of eradicating prejudices and other practices stemming from the attitude based on regarding women as being inferior to men; promoting cultural, social and economic awareness among women and expanding the national union and the progressive fabric of the 17th of July Revolution;

(d) Organizing training courses for women in various fields of activity;

(e) Taking part in women's camps and in popular activity campaigns and providing training in resistance, armed struggle and mass mobilization, in co-operation and co-ordination with competent bodies;

(f) Development of cultural, athletic and artistic talents among women, in co-operation with the competent bodies;

(g) Promoting development of rural women and enhancing mutual relations between rural and urban women through trips, visits, symposia and active struggle to eliminate existing gaps between rural and urban women;

(h) Participating in research and studies aiming at raising the standard of women and of mother, child and family care;

(i) Preparing, publishing and presenting studies that will contribute to the development of laws and regulations aiming at ensuring equal rights for women and family protection;

(j) Co-operation with bodies and organizations concerned with women, establishing close links with them and drawing on their relevant experience with a view to developing and enhancing the female movement at the Iraqi and Arab levels;

(k) Urging competent authorities to give priority to the establishment of special institutes and colleges for mother and child studies.

Moreover, the General Federation of Iraqi Women has been continuing its activities at the national, Arab and international levels and taking part in most conferences and symposia dealing with the rights of women.

The Federation participated in the World Conferences held at Mexico City in 1975 and Copenhagen in 1980. It took an active part in the World Conference held at Nairobi in 1985 and submitted studies and research reports on Iraqi women; it is also following up the implementation of the Nairobi Foward-looking Strategies.

The Federation publishes a monthly magazine, Al Mara'a, of which 244 issues have appeared to date. It has a special radio programme for the family. It holds periodic conferences to discuss reports of the Executive Bureau and adopt future plans; the last conference was the thirteenth, held in Baghdad from 1 to 5 September 1989, which was attended by Arab and international delegations.

It may be noted that the Federation played an important role during the Iraq-Iran war by mobilizing women and providing assistance to families to alleviate any negative effects resulting from the enlistment of males in the armed forces. Efforts by the Federation helped Iraqi women to exercise their role in all walks of life, thereby contributing to the elimination of backward beliefs assigning a lowly position to women.

Functioning as a link between the female population and the political leadership, the Federation identifies women's needs and participates in decision-making in matters relevant to women and the family in Iraq.

In 1988, the Federation boasted a membership of 1,248,000 women, accounting for 56.3 per cent of all adult women in Iraq.

D. Measures to promote and ensure equal rights for women in Iraq

Measures to promote and ensure equal rights for women and eliminate discrimination against them take place at three levels:

1. Raising awareness among the female population of their rights, a process undertaken by the General Federation of Iraqi Women through its branches and units located in all governorates, districts and localities. Moreover, the Federation's 138 rural activity groups endeavour to raise consciousness among rural women through symposia, conferences or direct contact;

2. Involving women's organizations in decision-making processes, especially those affecting women. An important experiment in that regard is the participation of heads of popular organizations in Iraq, including the General Federation, in Cabinet meetings where these delegates have the opportunity to air their views on issues relevant to the sectors they represent, albeit without the right to vote on the decisions to be taken. In addition, female members of the National Council participate in the formulation of decisions adopted by the council;

3. The Federation exercises a consultative and legal function on behalf of women whose rights are violated. That function involves consulting with administrative and judicial authorities to safeguard women's rights. Women are, moreover, entitled, where such violations occur, to institute legal proceedings, either on their own or through on attorney.

E. Extent to which provisions of the convention may be invoked before Iraqi courts

Iraq has reiterated in all its reports on the implementation of conventions concerning human rights that international conventions acceded to or ratified by Iraq become, upon their entry into force and publication in the Official Gazette, part of national legislation, and their provisions may thus be invoked in Iraqi courts.

PART II

Implementation of the provisions of the Convention in Iraqi legislative texts

Article 2 of the Convention - policy of eliminating discrimination against women

Iraq considers the principle of non-discrimination one of the imperative rules of international law and domestic constitutional law. It has acceded to all international conventions adopted to combat discrimination. As regards discrimination against women, which is the outcome of the accumulation of economic, social, cultural and political backwardness, Iraq believes that it cannot be tackled in isolation from the evolution of society and that the relevant

legislation must interact with such evolution. Iraq does not believe in the adoption of a policy of "legislative shocks" aimed at the elimination of situations resulting from underdevelopment, since the objective conditions - political, economic, social and cultural - will first have to pass through a phase of maturation.

It was on this basis that Iraq voiced reservations as to the implementation of paragraphs (f) and (g) of article 2, since the abolition of existing rules and regulations would come as the inevitable result of the new legislation.

Equality between men and women does not mean formal equality but rather equality in human value based on the admission of an equal role for man and woman in the building of society, with its concomitant repercussions on the legal, social and political status of women.

The following are the detailed legislative measures adopted in Iraq, given in the order of the paragraphs of article 2:

Paragraph (a). The principle of equality between men and women is stated in article 16 of the Constitution which provides that "Citizens are equal before the law without distinction on grounds of sex, race, language, social origin or religion". This constitutional principle is observed in all Iraqi legislation.

Paragraph (b). The recognition of the principle of equality between men and women as an imperative constitutional rule entails the prohibition of all action which runs counter to that rule.

Paragraph (c). All Iraqi legislation guarantees legal protection for all citizens without distinction, and women have the right to initiate legal proceedings before the judicial authorities in order to claim their rights without any restriction. Moreover, women are represented in the judiciary as a number of them occupy judges' posts.

Further details on the subject are provided in connection with legislative texts in the context of article 15 of the Convention.

Paragraphs (d) and (e). Public authorities apply Iraqi laws under the supervision and protection of the judiciary. No institution or organization may discriminate against women under the applicable constitutional rule and relevant legislation.

Article 3 of the Convention - ensuring the development and advancement of women

The present report contains statistics relating to the development and advancement of women and in connection with Iraq's implementation of the articles of the Convention with regard to each of the rights provided for in the Convention. It will be possible to conclude from such statistics how much and what kind of effort and serious measures have been taken to ensure the development and advancement of women in Iraq.

Article 4 of the Convention - special measures to accelerate the elimination of discrimination

It is natural that the eradication of the accumulated effects of economic, social and cultural under-development would require the adoption of special measures to accelerate the elimination of discrimination. The present report contains a review of such measures adopted by Iraq.

Article 5 of the Convention - modification of social and cultural patterns of conduct

The modification of social and cultural patterns of conduct of men and women, rather than being a legislative or administrative matter, is an educational and cultural process requiring conscious political will within a social, economic and cultural context which makes it possible for both men and women to develop their mentalities in the direction of the sharing of responsibilities. In order to ensure the spread of such culture, adult literacy and education programmes will be needed in both rural and urban areas.

Audio-visual information media play in important role in this respect and the evolution of economic and social conditions will contribute to a concrete change in citizens' mentalities which will make them recognize the importance of women's participation in public life.

Iraq has gained significant experience during the Iraq-Iran war years which lasted from 4 September 1980 to 8 August 1988. During that period, women played an important role in society, replacing men who joined the army. They participated in areas where men used to think they were unable to get involved, and Iraqi women emerged successful from this experience, thus changing mentalities in society as a whole.

Similarly, women's involvement in all economic fields and productive activities and their financial participation in supporting the family have resulted in a change in society's vision of the role of women in economic and social life.

To sum up, this evolution has created a favourable climate for the modification of the traditional roles of men and women in the eyes of society, and both men and women have come to consider themselves partners in everything other than their respective biological functions.

Such evolution of mentalities could not have come about as a result of "legislative shocks", but rather as a result of women's serious involvement in all fields of life - a phenomenon which has modified social and cultural patterns.

The General Federation of Iraqi Women has played a significant role in the modification of mental patterns by contributing to the promotion of women's participation - which has changed the mentalities of both men and women.

Article 6 of the Convention - suppression of prostitution and of the exploitation of women

Iraq has acceded to the International Convention for the Suppression of the Traffic of Persons and of the Exploitation of the Prostitution of Others, adopted by the United Nations General Assembly on 2 December 1949 and in force for Iraq since 22 December 1954. Pursuant to that Convention, prostitution and debauchery were prohibited by Law No. 54 of 1958.

Since the entry into force of the Convention on the Elimination of all Forms of Discrimination against Women, a new law has been passed for combating prostitution. This is Law No. 8 of 1988 dated 11 January 1988, article 2 of which provides for the prohibition of prostitution and pandering; article 3 provides that a prison sentence of not more than seven years shall be the penalty of a pander, procurer or owner or manager of a house, rooms of hotel let for the practice of prostitution; article 4 provides that a prostitute proved to have

practised prostitution shall be confined to a reformatory for the guidance and rehabilitation of women for a period of not less than three months and of not more than two years, and article 5 that ten years in prison shall be the penalty of anyone who keeps, using deceit, force or menace, a male or female in premises used for male or female prostitution, if the victim is over 18 years old, a penalty to be raised to not more than 15 years if the victim is less than 18 years old.

Article 9 of the Law provides for the application to the offences covered by it of extradition rules in accordance with international agreements concluded with Iraq if any such agreement is applicable to the offender. In the absence of an agreement, the provisions of Iraqi laws will apply. Article 10 entrusts the Ministry of Labour and Social Affairs with the establishment, pursuant to the Law and in places where it deems necessary, of the required number of reformatories for the guidance and rehabilitation of women in order to carry out programmes for the behavioural, cultural and professional rehabilitation of prostitutes to enable them to earn an honest living.

Article 7 of the Convention - the political rights of women

Paragraph (a). The right to vote and to be eligible for election

Iraqi legislation ensures to women, on equal terms with men, the opportunity to exercise their political rights. The following two examples are drawn from the National Assembly and from the Legislative Assembly of the autonomous region of Kurdistan in Iraq.

1. Right to vote and to be eligible for election to the National Assembly

Article 12 of Law No. 125 of 1980 on the National Assembly provides that: "Each Iraqi citizen, man or woman, has the right to vote and to be eligible for election, if he or she fulfils the conditions stipulated in this Law."

The number of successful female candidates at the 1980 elections for the National Assembly was 16, at the 1984 elections it was 33, and at the 1988 elections it was 27. With the total number of National Assembly members at 250, the percentages of female National Assembly members were as follows:

- In 1980 6.4 per cent
- In 1984 13.2 per cent
- In 1988 10.8 per cent

2. Right to vote and to be eligible for election to the Legislative Assembly of the Autonomous Region of Kurdistan

Article 13 of Law No. 56 of 1980 on the Legislative Assembly of the Autonomous Region of Kurdistan provides that: "Each Iraqi citizen, man or woman, residing in the Autonomous Region of Kurdistan has the right to vote and to be eligible for election if he or she fulfils the conditions stipulated in this Law."

3. Women's right to join political parties

Women as well as men, have the right to join political parties in Iraq. In 1983, the percentages of women in the total membership of political parties were as follows:

Arab Baath Socialist Party:	5.4 per cent
Democratic Kurdistani Party:	2.5 per cent
Revolutionary Kurdistani Party:	3.3 per cent

Paragraph (b). The participation of women in the formulation of government policy and their right to hold public office

The participation of women in the formulation and implementation of government policy is achieved through the participation of the female National Assembly members in the formulation of laws and decisions on the one hand, and, on the other hand, the President of the General Federation of Iraqi Women is entitled to attend Cabinet meetings in which decisions are discussed and to present the Federation's views on the subjects discussed. In this respect, the Federation has the same rights as other popular organizations.

The right to hold public office is ensured by constitutional and legislative texts. Article 30 of the Constitution provides that:

"a. Public office is a sacred charge and a social service based on loyal, conscious commitment to the interests, rights and freedoms of the public in accordance with the provisions of the Constitution and the law."

"b. An equal right to hold public office is ensured by the law."

Equal rights for women to hold public office are provided for also by Civil Service Law No. 24 of 1960.

Since the 1930s, Iraqi women have participated in the service of government agencies and the percentage of women engaged in government functions and professions - particularly of women educated beyond the secondary school certificate and working in the fields of education, medicine and social service - has increased.

Rapid progress towards equality between men and women has been achieved in the public service sector, including the socialist and mixed subsectors, as shown in table 1 attached to the present report. The percentage of women in government service increased from 19.4 per cent during 1971-1975 to 24.8 per cent during 1976-1980; it reached 50.6 per cent during 1981-1985 and 68.5 per cent for the following period starting in 1986.

The increase registered after 1981 is attributed to the conditions created by the war where women replaced men who joined the armed forces, in most fields of public service.

The above review of Iraqi legislative policy for the elimination of discrimination against women confirms the validity of the viewpoint that equality between men and women is not realized by "legislative shocks", but rather by women's exercise of their role in society under favourable conditions. It may be noted that the decrease registered since 1986 in the number of public servants is due to the implementation of a new plan for restructuring the government's departmental system in Iraq.

Table 2 concerning the educational qualifications of government employees shows that the rate of women's participation in the public service is directly proportionate to their level of education. Thus, it is 18 per cent for the primary level, 40 per cent for the intermediate, 54 per cent for the preparatory, 44 per cent for women with school diplomas and 45 per cent for women with a Bachelor of Arts degree.

Participation of women in the Iraqi judiciary system

Women in Iraq have made their way also into the judiciary system. Out of a total of 508 judges, 6, or 2 per cent, are women. At the prosecution level there are 16 female prosecutors or 7 per cent out of a total of 241 prosecutors. Moreover, 36, or 64.5 per cent, of the 54 notaries public in Iraq are women.

The service of women in the Iraqi Army

Equality between men and women has not been confined to the civil service but extended to the Army as well. Law No. 131 dated 18 October 1977 has been promulgated under the title of "The Service of Women in the Army".

Article 1 of the said Law provides that women may be engaged as army officers if they are holders of a first university degree in medicine, dentistry, pharmacy or nursing. According to the same article women may be engaged as deputy or non-commissioned officers in the Army's medical institutions if they have a diploma from a recognized nursing school or course or hold a technical or professional qualification in nursing.

Article 4 of the Law defines the military ranks to be awarded to women; these range from first lieutenant to professional deputy officer. Article 5 requires, for a woman to be awarded a military rank, that she successfully complete a specialized military training qualifying course.

Article 9 of the Law stipulates that a woman be given the same salary, benefits and allowances as male military staff having the same rank, specialization and profession.

Article 11 provides that, in addition to a woman's entitlements in terms of ordinary and sick leave under the military service and retirement law, she shall be awarded a six-week special leave with full salary to be taken before and after childbirth.

Revolutionary Command Council Decision No. 372 dated 22 March 1988 provides for the application of the provisions of Revolutionary Command Council Decisions Nos. 727 and 882 of 1987 to those women who are subject to the provisions of the Law on the Service of Women in the Army.

Decision 271 dated 19 September 1987 gives an Iraqi working mother who gives birth to twins the right to a one-year special maternity leave with full pay, to devote to the care of her twins.

Decision 882 dated 29 November 1987 provides for a maternity leave for working mothers of six months on full salary and another six months on half salary.

Equality between women and men in financial rights and benefits for employees

In order to emphasize women's independent legal personality and the equal human worth of women, Iraq issued Law No. 191 dated 20 November 1975, known as the "Law on equality between women and men in financial rights and benefits".

Article 1 of that Law provides that married women shall have the same right as married men to receive cost-of-living allowances. A married woman shall not, however, if her husband is employed, receive child dependency allowances; these shall, nevertheless, go to the parent who has custodial care of the children in the event of separation.

Article 2 of the same Law determines that, for the purposes of the Income Tax Law, a married woman shall be deemed as an independent taxpayer; she shall, as such, enjoy the legal relief she was entitled to before marriage and be awarded the legal relief to which husbands are entitled, if her own husband is incapable of working and has no income otherwise.

Paragraph (c) of article 7. Participation in non-governmental organizations and associations

Iraqi women participate, on an equal footing with men, in non-governmental organizations and associations. For example:

1. In 1989, the number of female lawyers registered with the Iraqi Bar Association was 332, or 6 per cent, out of a total membership of 5,576, and the number of female lawyers in the capital, Baghdad, was 283, or 8 per cent, out of a total of 3,507 lawyers;

2. Also in 1989, there were 785 female jurists registered with the Iraqi Jurists' Association, accounting for 29 per cent out of a total membership of 2,715 jurists.

Article 8 of the Convention - women's participation in the international representation of their country

Women members of the Iraqi diplomatic corps are entitled to participate in representing Iraq in international organizations.

The lists of Iraqi delegations to the United Nations and its various organs - the General Assembly, the Economic and Social Council or the Commission on Human Rights - which include women, provide examples in practice.

Mention should be made in this respect of the participation of Iraq's representative to the United Nations General Assembly's Third Committee in the formulation of the two human rights covenants since 1950.* It was on her proposal at the 313th meeting on 14 November 1950 that the Third Committee adopted a text requiring equality between men and women in all human rights. This text became article 2 of each of the covenants and the focus of United Nations concern about the elimination of discrimination against women.

Iraq's female delegates to the Third Committee and the Commission on Human Rights made significant contributions, especially during the years 1986, 1987 and 1988.

The Ministry of Foreign Affairs employs 32 female diplomatic staff in the following ranks: minister plenipotentiary (2); counsellor (1); first secretary (3); second secretary (2); third secretary (3) and attaché (14).

Article 9 of the Convention - rights concerning nationality

The Iraqi Nationality Act No. 43, of 1961, is based on general principles, foremost among which are the maintenance of the one-nationality family, non-duality of nationality and non-loss of nationality by any of the family members, an

---

* The late Ms. Badi'a Imtinan

approach which contributes to the unity of the family since its members have similar rights and obligations. Hence Iraq's reservations on article 9 of the Convention, which were made with a view to preserving the unity and shared interest of the family.

The following are extracts from the Iraqi Nationaltiy Act, with special emphasis on provisions concerning the nationality of husband and wife:

Article 13 provides for the following:

1(a) A foreign female citizen married to an Iraqi male citizen acquires Iraqi nationality upon approval by the Minister (of the Interior). She may renounce Iraqi nationality within three years, upon her husband's decease, divorce or dissolution of the marriage. She forfeits her Iraqi nationality as of the date she applies for relinquishment thereof.

1(b) A non-Arab foreign wife of an Iraqi national may only after three years of marriage, and of continuous residence in Iraq for a similar period, apply for Iraqi nationality; this stipulation does not apply to such a wife if her husband dies and leaves her with a child by their marriage. She may also be exempted by the Minister of the Interior from the residence stipulation if she meets the legal requirements for acquiring Iraqi nationality in case of dual birth in Iraq, as well as from the stipulation calling for the passage of three years, if it is established that she and her father were born in Iraq.

2. An Iraqi woman married to a foreign national, or to an Iraqi who has acquired a foreign nationality after marriage, forfeits her Iraqi nationality if she acquires her husband's nationality by choice; she may, however, re-acquire the Iraqi nationality upon her husband's decease, divorce or dissolution of the marriage, if she submits an application to that end, and re-acquires Iraqi nationality as of the date she submits such an application, provided she is present in Iraq at the time the application is submitted.

3. A female citizen who has forfeited her Iraqi nationality upon acquiring her foreign husband's nationality may re-acquire it if her husband is granted Iraqi nationality or if she marries an Iraqi national; Iraqi nationality shall be restored to her as of the date she submits an application to that end.

4. A foreign woman married to an Iraqi may not acquire her husband's nationality according to paragraph 1 of this article; moreover, a foreign woman married to a foreign national may not acquire Iraqi nationality alone.

Article 13 stipulates the following:

1. Minor children of a foreign national become Iraqi citizens upon acquisition of Iraqi nationality by their father.

2. Minor children lose Iraqi nationality upon loss thereof by their Iraqi father; but a minor who loses his Iraqi nationality under this paragraph may re-acquire it upon submitting an application to that end during his presence in Iraq within one year from the date of attaining majority. The provisions of this paragraph do not cover minor children of Iraqi nationals who have forfeited their Iraqi nationality under Law No. 12 of 1951.

Article 10 of the Convention - right to education and learning

The laws regulating education in Iraq at its various levels, from kindergarten to post-graduate studies, including the literacy campaign, do not differentiate between men and women. The following are some examples:

(1) Compulsory Education Law No. 118 of 1976:

This Law made education compulsory for children of both sexes from the age of six years to the age of 10 years, thereby ensuring equality in education until the end of the primary level. In addition, there is the decision in favour of free education, which made education free for all students of both sexes, with the State bearing all educational costs, especially textbooks.

(2) Law No. 92 of 1978 on the Comprehensive National Campaign for the Compulsory Eradication of Illiteracy:

According to this Law, every illiterate citizen, male or female, between the ages of 15 and 45 years, must enrol in literacy centres.

(3) The State has strictly applied non-discrimination between the two sexes in its policy of acceptance into the various branches and specializations at all levels of higher education. Before completion of the admission forms, the students are advised, through the Student's Manual, about the most suitable specializations for females and males. Acceptance is given after completion of the forms and their feeding into a computer, which determines the acceptance of male and female students alike.

(4) The State has also applied non-discrimination between the two sexes in its policy of acceptance for post-graduate studies, scholarships abroad and fellowships. We shall review the application of this item through the statistical tables attached to this report.

1. The kindergarten level

The rate of females in kindergartens was 41 per cent in 1980 and rose to 47.5 per cent in 1988 (table 3).

2. The primary level

The rate of females among primary pupils was 45 per cent in the school year 1979/80 and remained approximately the same in the following years, with 44.1 per cent during the school year 1988/89 (table 4).

The rate of coeducational schools in the primary level was 84 per cent in the school year 1986/87, it was 83.94 per cent in the school year 1987/88 and it reamined at 84 per cent during the school year 1988/89 (table 5).

Women constitute a high percentage of the teaching staff in primary schools; the percentage was 65 per cent in the school year 1986/87 and 66.9 per cent in the school year 1987/88, and rose to 68.2 per cent in the school year 1988/89 (table 6).

3. The secondary level (intermediate and preparatory)

The rate of females in secondary schools increased from 30.2 per cent in the school year 1979/80 to 38.6 per cent in the school year 1988/89 (table 7).

Comparing this rate with the rate of females in primary schools, which is 44.1 per cent, we must point out that the decrease in rate in secondary schools is due to the fact that the age of female students in the secondary level is the appropriate age for them to quit schools, particularly in the rural areas, because of early marriages or work within the rural family.

We also notice that the percentage of girls' schools and coeducational schools in the secondary level was 59 per cent in the school year 1986/87, 58.7 per cent in the school year 1987/88 and 58.5 per cent in the school year 1988/89 (table 8).

The rate of women among teaching staff in the secondary level was 53.05 per cent in the school year 1986/87, rose to 54.75 per cent in the school year 1987/88 and reached 55.1 per cent in the school year 1988/89 (table 9).

4. Vocational schools

The rate of females in vocational schools was 26.74 per cent in the school year 1986/87, rose to 27.93 per cent in the school year 1987/88 and reached 29.87 per cent in the school year 1988/89 (table 10).

The rate of women among the teaching university staff of vocational schools was 43.26 per cent in 1986, rose to 45.15 per cent in 1987 and was in the order of 43.84 per cent in the school year 1988 (table 11).

5. Teacher-training institutes

The rate of females in teacher-training institutes was 62.77 per cent in 1986, 60.68 per cent in 1987 and 59.73 per cent in 1988 (table 12).

The rate of females among the teaching staff of teacher-training institutes was 45.18 per cent in 1986, 44.4 per cent in 1987 and 47.4 per cent in 1988 (table 13).

6. The university level

The rate of females among Iraqi university students was 34.23 per cent in 1986, 35.39 per cent in 1987 and 34.75 per cent in 1988 (table 14).

The rate of females among the university teaching staff rose from 14.52 per cent in 1979 to 21.96 per cent in the academic year 1988/89 (table 15).

The rate of female graduates from Iraqi universities was 32 per cent in the year 1979 and rose to 43.9 per cent in the year 1987 (table 16).

The rate of post-graduate female students in Iraqi universities was 22.1 per cent in the academic year 1987 (table 17).

All these statistical tables prove in a tangible manner the seriousness of the Iraqi policy for eliminating discrimination in the field of education, as it is a basic field which represents the future movement of society, expressing the real political will to eliminate discrimination against women.

7. Iraq's efforts to eradicate illiteracy among women

On 1 December 1987, Iraq declared a comprehensive national campaign for the compulsory eradication of illiteracy under the leadership of the President of the Republic.

It was estimated then that the number of illiterates in Iraq in the age group 15-45 years was 2,212,630, of whom 676,693 were men and 1,535,937 were women, i.e. the rate of women among illiterates was 73.5 per cent.

According to its programmes, the national campaign aimed at eradicating illiteracy among those covered by this census within a maximum period of 36 months, beginning on 1 December 1987. The male students attended classes in two shifts and the female students in four shifts. In the admission of females, consideration was given to the principle of priorities, based on the importance of providing education to citizens according to their professional status, in compliance with the country's national development plan.

It was decided that the study period should be seven months for the basic level and seven months for the complementary level. By passing these levels, the male or female students would be qualified to enrol in popular schools.

The number of female students in these centres was in excess of that of male students, reaching about double their numbers, which shows the growing awareness of women.

The national campaign continued and attendance at literacy centres was regular. The rate of attendance on 1 July 1979 was 89.7 per cent, totalling 1,986,136 persons, of whom 537,306 were men, or 79.4 per cent of the total male students, and 1,448,930 women, or 94.4 per cent of the total female students.

In order to ensure that these newly educated persons continue their education and do not revert to illiteracy, the Revolutionary Command Council issued Decision No. 496, dated 30 January 1979, authorizing the establishment of popular schools. Women hastened to join these schools.

The purpose of the popular schools is to enable those attending them to make use of their reading and writing skills and pursue education for fixed periods of time in the fourth, fifth and sixth classes, at the end of which they will have qualifications equivalent to those of primary shool graduates.

While discussing the subject of women and the comprehensive national campaign, it is worth pointing out the leading role of educated women in the literacy campaign. Educated women contributed in a manner which expressed their awareness and desire to free women of illiteracy. The rate of female lecturers in the literacy campaign (compared with males) was 65 per cent.

The General Federation of Iraqi Women, in turn, has raised the awareness of women with regard to the importance of eradicating illiteracy through the Federation's network of branches throughout the country.

In October 1987, Iraq declared the complete eradication of illiteracy. For its efforts, it has received many manifestations of appreciation from international organizations, particularly from UNESCO, as well as the Krupskaya Award.

8. The drop-out phenomenon among females and its reasons

Despite the great interest by the State and women's organizations in creating awareness among women and urging them to continue their education, we find that a small proportion of women drop out of school at the various levels. The State has taken this matter into consideration and looked into the reasons and factors which

prevent women from continuing their education and make them drop out. The Ministry of Education has conducted many studies to examine this phenomenon and develop remedies for it and proposals in this regard.

It has identified the most prominent reasons which lead girls to drop out of school. They are as follows:

(i) Factors relating to upbringing

They are due to the poor attention given by parents to the continued education of their children, to the poor methods of direction and guidance used by the parents and to the lack of continued contact between the parents and the teaching staff.

(ii) Social factors

They are due to the large numbers of family members, to family problems arising between parents and to the low educational standards of parents.

(iii) Psychological factors

They appear in the desire for independence, in the early start of working life and in early marriage, particularly among females.

(iv) Economic factors

They are due to the fact that the standard of living of some families is low, that parents require their sons and daughters to perform domestic work, that some students have to help their families during particular seasons in the year, such as the harvest season, and that families are unable to pay for the expenses needed by the students during their education.

Controlling these factors helps in treating the drop-out phenomenon and requires an integrated plan in the development and implementation of which many parties should take part. Iraq is formulating and implementing such development plans which have social, economic and cultural effects.

9. The participation of women in sport activities

The women of Iraq participate regularly in sport activities, as sports are an obligatory subject at all levels of education, until the first class of the university level.

There is a physical training college for women at the University of Baghdad, which graduates female sports trainers and teachers for schools and institutes. This is in addition to the coeducational Physical Training College from which large numbers of female trainers graduate to work as teachers in intermediate schools and institutes.

Furthermore, clubs and sports teams in Iraq include large numbers of women, in addition to the solely female sports teams which engage in sports competitions. Some Iraqi female athletes obtained medals in regional and international championships.

Article 11 of the Convention - right of women to work and the provision of care to working women and their children

Iraqi legislation ensures equality between men and women in the field of work, whether concerning employment opportunities, wages or benefits. It does not stop at that, but takes into consideration the biological conditions of women and granted them rights not enjoyed by men.

The following is a summary of the labour legislation:

I. Female workers in the private, co-operative and mixed sectors

1. Labour Law No. 715 of 27 July 1987

This Law replaced the previous Law No. 151 of 1970, contains important provisions on the rights of workers and was issued after the Convention on the Elimination of All Forms of Discrimination against Women entered into force.

Article 2 of this Law ensures the right to work for every able citizen, on the basis of equal conditions and opportunities for all citizens, without discrimination as to sex, race, language or religion. This involves providing every citizen with the opportunity to receive vocational training within the limits established by the State for the scope and type of work in each vocational sector.

Article 4 of the same Law provides for the right of workers to receive a remuneration sufficient to meet their needs, enable them to support their families and give them the opportunity to enjoy the benefits of the economic progress achieved. On the basis of this, the following is taken into consideration when determining the remuneration:

First: The type and quantity of the work performed, in a manner that ties the remuneration with production.

Secondly: Equal remuneration for equal work in type and quantity which is performed under similar conditions.

The Law dedicates chapter I of part VI to the protection of working women. This chapter includes 9 articles: articles 80-89. Article 80 obliges the employer who employs one woman or more to affix a copy of the provisions concerning the protection of working women to a notice board at the place of work.

Article 81 provides that women may not be employed to perform hard work or work which is harmful to health, as determined by instructions of the Ministry of Labour.

Article 82 precludes giving women addition work which may harm their health or pregnancy. Article 83 provides the following:

First: Women may not be asked to work at night, unless such work concerns rapidly perishable primary materials or products and continued work at night is necessary to protect them.

Secondly: Working women shall be granted daily rest periods of not less than 11 consecutive hours, of which 7 hours should be at night between 9 O'clock in the evening and 6 O'clock in the morning.

Thirdly: The provision under "First" of this Article shall not apply to the following categories:

(a) Women employed in administrative work.

(b) Women working in health or recreational services.

(c) Women working in transport and communications services.

Article 84 provides as follows:

First: Working women shall be entitled to work and maternity leave with full pay for a period of 72 days.

Secondly: Working women shall be entitled to 30 days' leave before the expected date of delivery, in accordance with the medical report issued by the competent authority, and continue to enjoy the remaining period of such leave after delivery.

Thirdly: The competent medical authority may decide to extend the leave provided for under "First" of this article for a period of not more than 9 months in the case of difficult delivery, delivery of more than one child or complications before or after delivery. The period in excess of that provided for under "First" of this article shall be leave without pay, unless the worker is insured, in which case the Workmen's Pension and Social Security Law shall apply.

Article 85 provides as follows:

Any woman on work and maternity leave may not engage in any paid work or in work that may endanger her health.

Article 86 provides as follows:

First: The working mother shall, upon the approval of the employer, enjoy special maternity leave without pay for the period of not more than one year, during which shall will concentrate on the upbringing of her child if it has not completed one year of age.

Secondly: The working woman may not use maternity leave for other purposes. If it is proven that the working woman on maternity leave performs paid work for a third party, the leave shall be considered cancelled and the employer may request that she resumes her work from the date he determines.

Article 87 provides as follows:

First: The lactating working woman shall be granted a feeding period of not more than one hour during work, which shall be considered as part of the work period.

Secondly: The working woman with one child or more under the age of 6 years shall, if her sick child needs her attention, be released from work for a period of not more than three days for each case. This release entails the non-payment of remuneration for the period of absence from work.

Article 88 obliges the employer of women to provide them with special rest facilities, according to the requirements of work.

Article 89 stipulates that the provisions of this chapter do not apply to women working in a family business where only family members work under the direction and supervision of the husband, father, mother or brother.

It is worth mentioning that Law No. 71 of 1987 applies to workers in the private, mixed or co-operative sectors, in accordance with article 8 of this Law. Women working in the socialist sector are considered State employees and are governed by the provisions relating to State employees, in accordance with Revolutionary Command Council Decision No. 150 of 19 March 1987.

2. Workmen's Pension and Social Security Law No. 39 of 1971

The Workmen's Pension and Social Security Law takes into consideration the biological status of women, grants them, in article 45-48, the right to work and maternity leave with full pay and ensures free health care for them and their newly-born children.

Article 65 allows women to request retirement at the age of 55, that is five years before the retirement age of men. A woman has also the right to request retirement without having reached a fixed age if she has had 25 years of insured service, that is five years less than the normal period of service for the retirement of men.

II. State and socialist sector workers

In accordance with Revolutionary Command Council Decision No. 150 of 19 March 1987, all workers in the State departments and the socialist sector are considered employees with equal rights and duties. Those covered by this Decision are subject to the (civil) service laws, rules and regulations and to the instructions which are issued according to them and are applicable to employees in the State departments and the social sector.

The pension laws, regulations and instructions applicable to employees in the State departments and the social sector are applicable to the workers covered by this Decision.

In accordance with this Decision, civil service rules are applicable to all State female employees who are workers. These rules ensure equality in remuneration and pension and grant women maternity leave for six months with full pay and six months with half pay, in accordance with Revolutionary Command Council Decision No. 882 of 29 November 1987. Revolutionary Command Council Decision No. 727, issued on 19 September 1987, grants the Iraqi mother who works in a State department or the social sector, and gives birth to twins, maternity leave for one year with full pay, during which she will care for her twins, until they attain the age of one year.

Outline of women's participation in industrial labour

With regard to the application of article 7, we pointed out the extent to which women participate in the administrative and economic sectors of the public service.

Table 18, attached, shows that the rate of women's participation in the industrial labour force was around 14.6 per cent in 1985, increased to 15 per cent

in 1986 and became 17.01 per cent in 1987. The highest rate for women's participation was in the co-operative sector, at 82.2 per cent. At the level of type of industry, the ready-made clothes industry achieved the highest rate of women's participation with 70.7 per cent of the total.

Women's participation in the financial and commercial sectors

Despite the fact that the work of women in the State financial and commercial sectors was included in our review of their work in the public service and that their participation in the private (non-public) activities in these sectors is limited, it may be said that the proportion of women working in the commercial sector is 18.5 per cent. The proportion of women working in the financing and banking sector is considered high and has witnessed a significant increase in recent years. This rate is over 50 per cent in the commercial banks and the Central Bank, 44 per cent in the Real Estate Bank and 24.2 per cent in the Agricultural Bank.

The proportion of female managers is 14.7 per cent in the Central Bank, 8.6 per cent in the commercial banks and 5 per cent in the specialized banks.

Care facilities for children of female employees

The State has given concentrated attention to providing care to the children of female employees in order to enable them to combine work with the upbringing of their children. Nurseries have been established in housing compounds, factories and economic establishments.

Table 19 shows the number of nurseries in the Iraqi governorates: 223 to 278 nurseries caring for 7,349 to 12,927 children.

In the nurseries, children receive educational and nutritional care; they are given breakfast and lunch against a small amount paid by the child's family.

The General Federation of Iraqi Women and the Co-operation Union, in co-ordination with the Ministry of Labour and Social Affairs and UNICEF (United Nations Children's Fund), is developing an experiment of popular and home nurseries, whereby a woman with particular qualifications is charged with caring for 5 to 10 children at her home. Such woman receive financial grants from the Co-operation Union in order to provide care for the children. The authorities concerned with the project supervise their training and the level of care in the nurseries. There is a limited number of such nurseries, but they are expected to increase. However, the Ministry of Labour and Social Affairs and the General Federation of Iraqi Women run their own nurseries. There are also nurseries which belong to the industrial and commercial establishments.

The role of the General Federation of Iraqi Women in the integration of women in development and the provision of work opportunities for them

The General Federation of Iraqi Women has played a prominent role in the integration of women in development and in all fields of work. Since 1982, it has acted as co-ordinator between women desiring to work and the establishments in need of workers.

Up to the end of 1987, over 20,000 women have been placed through the Federation.

The increase in the rate of employment of women, particularly after 1980, is due to a general policy in Iraq which has aimed at making use of female manpower and employing women in non-traditional female spheres, because men were engaged in defending the country during the Iraq-Iran war from 4 September 1980 until 8 August 1988.

There is a strong tendency to integrate women in the co-operative sector, that is work in production co-operatives which are mostly engaged in tailoring and popular industries. There is complete co-ordination between the Co-operation Union and the General Federation of Iraqi Women in providing new work opportunities and increasing the participation of women in productive family co-operatives which enable women to work at home.

Article 12 - health care for women

Iraqi legislation gives special attention to health care for women and the family, in addition to protecting the health of all citizens without differentiation between men and women in the field of treatment or medical professions.

The Law of Public Health No. 98 of 8 August 1981 provides in article 1 that total physical, mental and social health fitness is a right guaranteed by society to every citizen and that the State should provide the citizen with the means to enjoy it in order to ensure participation in the building up and development of society.

Section I of part II of this Law contains provisions concerning mother, child and family health care.

Article 6 of the Law provides that mother, child and family health care should aim at carrying out the duty of society and the State to the mother and to the child from its coming into being as a foetus.

Article 7 provides that the Ministry shall seek to achieve its aims in the field of mother, child and family health care through the following means:

First: Coverage of the country with mother, child and family health care centres.

Secondly: Carrying out the necessary medical examinations for marriage candidates to ascertain their fitness and health and provide them with health certificates.

Thirdly: Preparing wives from the health and psychological point of view for their future role as mothers.

Fourthly: Following up the health of pregnant women and their foetuses by means of continuous periodic examinations and nutritional care.

Fifthly: Guiding the family in leaving a reasonable period of time between pregnancies, as required by the health of the mother, child and family.

Sixthly: Examining children periodically to ascertain their growth, maintain their health and guide mothers concerning the food which should be given to children during their growth.

Seventhly: Obliging citizens to receive periodic vaccinations in accordance with the instructions of the health authorities concerned.

In order to implement these provisions, the Ministry of Health has covered the country with health centres for gynaecology, maternity and child diseases. In addition, there are mother and child care centres as well as public and private hospitals which treat citizens of both sexes.

Below we give some statistical figures:

1. Gynaecological, midwifery maternity and paediatric hospitals

The attached table 20 shows that the number of gynaecological and midwifery hospital was 8 in 1986 and 1987, and rose in 1988 to 10 hospitals, with 1,516 beds, which received 149,765 patients in 1988.

The number of maternity and paediatric hospitals has remained, during the last three years, unchanged at 8 hospitals, with 2,080 beds, which received 160,146 patients in 1988.

The 11 paediatric hospitals have 1,858 beds and received 165,072 patients.

2. Mother and child care centres

The Iraqi governorates have many mother and child care centres which play a guiding, preventive and curative role for mothers and children. The centres provide children and mothers with health cards in which the health condition of the child and mother and the treatment received by them are recorded, so that they become the child's health record until he is admitted to school.

Branches of the General Federation of Iraqi Women provide guidance to women, urging them to visit the mother and child care centres.

The number of these centres was as follows:

1986	54 centres
1987	53 centres
1988	54 centres.

These figures do not include hospitals and popular clinics which receive women and children in addition to other patients.

3. Surgeries for women in hospitals

Hospitals treat Iraqi citizens without discrimination as to sex, language or religion.

Table 21 shows that the rate of women who underwent major surgery during 1988 was 52.6 per cent, the rate for minor surgery was 48.9 per cent and the rate for surgery in general was 50.1 per cent.

Women in medical professions

Women constituted a significant percentage of medical professionals in 1988. Table 22 shows that the rate of women dentists in hospitals was 64.4 per cent and in other health units 53 per cent and that the rate of women pharmacists was 78.6 per cent in hospitals and 68.4 per cent in other health units.

The general percentage was 39.9 per cent in hospitals and 53.9 per cent in other units, as shown in table 23.

Article 13 - economic, social and cultural rights

Paragraph (a). Family benefits

In presenting Iraqi legislation relevant to paragraph (b) of article 7 of the Convention, we stated that women had economic rights on equal terms with men without any discrimination, particularly in connection with their rights resulting from working in government professions and jobs, in addition to their labour rights. Women enjoy equal rights with men in connection with family benefits as they are considered independent taxpayers, in accordance with Law No. 191 of 20 November 1975 on the equality of men and women in financial privileges.

Social welfare for women unable to work

Social Welfare Law No. 126 was promulgated in Iraq on 28 June 1980. Article 2 of this Law provides that the State shall endeavour to provide social welfare to all citizens during their life and to their families after their death.

Article 3 provides that work is a right guaranteed by the State for every citizen, that it is the duty of everyone able to work and that the State shall aim at ensuring social security to all citizens in the cases of disability and old age.

Chapter I of part II deals with care for families. Article 9 provides that the family, for the purposes of this Law, means the husband and wife, or either one of them, and the children, if any. In the case of more than wife, the family members constitute one family; but in the case of the husband's death, each wife constitutes an independent family.

Article 10 provides that a low-income family means a family whose income is: less than the minimum wage of an unskilled labourer, if it is composed of five members or more; less than 75 per cent of that wage, if composed of four members; less than 70 per cent, if composed of three members; less than 66 per cent, if composed of two members; and less than 33 per cent, if composed of one member.

According to article 11, a family without income means a family which has no regular income to live on.

Under article 13, those entitled to a family welfare payment, among those covered by articles 10 or 11, are every widow or divorced woman who has a minor child living with her. If she gets married, her child will be entitled to the welfare payment, unless the divorcee's child moves into the custody of the father.

Under article 15, the family members are entitled to the following monthly payments:

Family head:	13 dinars
Wife:	9.100 dinars (nine dinars and 100 fils)
Child:	5.200 dinars (five dinars and 200 fils).

The family head, for the purposes of this Law, is the husband, the wife or the oldest child upon the death of both parents.

It is evident from these provisions that the law does not differentiate between men and women in social welfare.

Paragraph (b). Bank loans

The laws of commercial, agricultural and real estate banks allow women, without any discrimination, to obtain bank loans on equal terms with men and without the husbands' approval because they enjoy a legally independent financial obligation.

Paragraph (c). Participation in sport and cultural activities

Women can participate in recreational activities and sports without any discrimination. There are women teams in sports clubs, particularly for basketball, table tennis and volleyball, as well as swimming and running. Many Iraqi women athletes have received medals in regional and international competitions.

Women engage in many cultural activities in the various forms of literature, such as poetry and novels, and in painting, the theatre and music.

Some Iraqi women artists have received international prizes. The General Federation of Iraqi Women, however, takes particular interest in developing the cultural, sport and artistic talents of women in co-operation with the authorities concerned, as provided for under paragraph (f) of amended article 4 of the Federation's statute.

In implementation thereof, it holds art exhibitions, cultural festivals and sports competitions.

Article 14 - efforts made in favour of rural women

The rural women of Iraq make a large contribution, in addition to their social responsibilities and role as mothers and housewives, to the labour force engaged in agriculture, since they represent 43.7 per cent of total agricultural workers.

The general situation prevailing in the agricultural sector has a direct effect on women. Iraqi agriculture has evolved from the semi-feudal system and traditional methods which used to predominate, and from which rural women in particular suffered, into more modern methods. Since 1958 the semi-feudal land ownership system has been abolished and its effects gradually liquidated.

Since the 17 July 1968 Revolution, new land ownership systems and production methods have been introduced in Iraqi rural areas, and big investments have been directed to irrigation and land reform projects as well as to the improvement of rural infrastructures. Appropriate policies have been adopted to spread the use of mechanized and improved agricultural methods, policies which have had a direct effect on rural women.

The vastness of the agricultural area, associated with the wider use of agricultural mechanization, has helped Iraqi rural women to reduce the physical effort which they used to deploy in basic agricultural operations and has at the same time provided them with a rewarding family income. Furthermore, the conversion to irrigated agriculture in many regions of Iraq has modernized the agricultural sector, relatively speaking; the adoption of modern agricultural methods and the use of fertilizers, insecticides and improved crop varieties have resulted in better stability in the agricultural income of the rural family.

Several factors have combined to improve the status of rural women. These may be summarized as follows:

1. The adoption of the Compulsory Education Law of 1976 and the Compulsory Literacy Law of 1978, added to the provision of free education since 1974. These laws have covered female as well as male Iraqis including those of rural areas; the laws have been more beneficial to women due to the higher percentage of illiterate women and the lower rate of female school enrolment;

2. The improvement of rural communications resulting in the acceleration of the modernization process, the development of social awareness and the dissemination of modern values. Communication networks have been developed in rural areas linking them with urban areas. Eighty per cent of the rural areas have been provided with low-cost electricity, leading to the spread of information media to the remotest of these areas;

3. Development of sale and distribution outlets for various modern consumer goods as well as durable goods and labour-saving devices in rural areas, at appropriate prices;

4. Efforts made by the Government in the field of social and health services and the supply of drinking water to 61 per cent of the rural areas. Moreover, the development of extension services has contributed to progress in rural social development. Public policies have also been adopted aiming at reducing the rural exodus, thereby securing adequate manpower in rural areas directed towards agricultural and stock-raising activities;

5. Efforts made by non-governmental people's organizations, such as farmers's associations and co-operatives, youth and student organizations and, in particular, the General Federation of Iraqi Women to develop social awareness in Iraqi rural areas and sensitize rural women to their role in production and in social life, thereby helping them to acquire appropriate skills;

   The Federation provides its services to rural areas through 125 rural teams each comprising two female members. At present these teams cover 33 per cent of the total number of villages. Most of their services aim at enabling women to acquire appropriate social, health and economic knowledge and skills;

   In connection with the International Drinking-Water Supply and Sanitation Decade, the General Federation of Iraqi Women has been assigned since 1984, through the Ministry of Foreign Affairs, the task of developing a strategy to promote rural women's role in supplying rural areas with drinking-water and other sanitary facilities. The Federation has ensured the presidency of a national committee of representatives of a number of institutions to carry out a comprehensive survey of villages and rural families, and to prepare the required strategy and present it to the United Nations;

   The General Federation of Iraqi Women is undertaking, in co-operation with the Economic and Social Commission for Western Asia (ESCWA) and the United Nations Children's Fund (UNICEF), a study aim at increasing rural women's participation at grass-roots levels;

6. An educational policy designed to encourage women's specialization in the agricultural professions. Since 1975, women have been encouraged to enrol in agricultural institutes;

The percentage of girls enrolled in agricultural vocational schools reached 10.7 per cent of total enrolment in 1986 and 11.5 per cent in 1987;

7. The promotion and development of rural home industries and their organization in such a way as to provide rural families with additional income. The percentage of female workers in such industries has reached about 70 per cent of total workers.

Although such activities have contributed to the improvement of the status of Iraqi rural women, their full effect requires some time to be felt.

It is well known that the prevailing system in rural Iraq is that of family agriculture, where men are the heads of their families. While noticeable progress has been achieved in equality between men and women in acquiring production skills and practices, social customs and traditions still affect the status of rural women.

It is noted that although the laws governing agricultural activities do not distinguish between women and men whether in terms of their respective rights to own agricultural land or in terms of their rights to belong to agricultural associations and obtain agricultural credit, the percentage of females who exercise such rights is still small.

Equality between men and women in acquiring agricultural reform land and obtaining Agricultural Bank and co-operative loans

Agricultural Reform Law No. 117 for 1970 granted women the right to economic independence and to acquire, equally with men, agricultural reform land to cultivate. Moreover, the regulations of the Agricultural Bank give women equal rights with men to obtain bank loans.

Co-operatives Law No. 43 for 1979 gives women the right, on an equal footing with men, to be members of such co-operatives with equal rights and duties, as stipulated by the law.

However, the application of such laws and regulations to rural women, being linked to the social and economic conditions of rural areas, still leave something to be desired.

The elimination of discrimination against rural women involves nothing less than a cultural development process aimed at the comprehensive development of rural inhabitants, be they men or women. Women are an integral part of rural society, affecting it as well as affected by it.

On every appropriate occasion, Iraq reaffirms that the right to development is a basic human right and that discrimination against women can be eliminated only if all citizens, both men and women, can exercise their right to comprehensive economic, social and cultural development. Rural areas should receive special attention because they still suffer from underdevelopment.

Article 15 - Legal status of women and their equality with men

The mandatory constitutional rule in Iraqi law concerning the equality of women and men in legal competence is provided for in article 19 of the Constitution, already cited in the first part of the present report.

While Iraqi legislation does not limit women's legal competence or status, it should be stressed that this in fact due to the cultural and legal heritage of Islamic Law which granted women an independent legal personality, and capacity to act and to dispose without restrictions, almost 15 centuries ago at a time when prevailing legislation and customs considered women to be incompetent.

We give below a summary of legislation relating to women's competence:

1. Civil Law

The Civil Law promulgated in 1951 did not distinguish between men and women in terms of their legal competence. Article 46 of that Law provides that anyone who has come of age, has his full mental powers and is not placed under guardianship shall be fully competent to exercise his civil rights. Consequently, women have the right to dispose of any of their affairs, including the conclusion of contracts, without any restrictions.

2. Commercial Law

Iraqi Commercial Law No. 30 of 1984, currently in force, and, for that matter, previous commercial laws do not differentiate between men and women in terms of the right to take up a trade as a profession and to practise it. Article 8 of that Law provides that, for a person to practise a trade, he should be competent and of Iraqi nationality, competence being the subject of article 46 of the Civil Law, which defines competence as having come of age (or reached the age of 18 years), without distinction between men and women.

Consequently women can practise a trade themselves and for their own benefit without their husbands' prior approval being required as was often the case in Western legislation.

3. Company Law

Companies Law No. 36 of 1982 does not distinguish between men and women: it authorizes every citizen having legal competence to be a partner, shareholder or general manager of any company or the president of its board of directors.

Under that Law, women are entitled to exercise their right to be partners in companies or to set them up, or to set up individual projects in their own names, or to be general managers of companies or presidents of their boards of directors - when they fulfil the legal conditions.

4. Laws of civil and criminal procedures

Laws of civil and criminal procedures do not distinguish between men and women in any of the procedures followed in any court or judicial body, whatever their levels.

A woman who has reached majority age may, without the approval of her husband or father, initiate judicial proceedings.

She may delegate lawyers and she may practise law herself if she fulfils the conditions of registering with the Lawyers' Association.

Invalidity of actions restricting women's capacity

The exercise by Iraqi women of their full legal capacity is considered one of the mandatory constitutional rules and hence an issue of public order: any action opposed to it is considered invalid legally.

The right of men and women to choose their place of residence

Iraqi legislation does not distinguish between men and women in terms of their right to choose their place of residence.

It is recognized, however, that a family is an integral unit, and a wife must live with her husband and a daughter with her father. This is a natural arrangement given the unity of a family and not a violation of the right to choose one's residence.

Article 16 - equal rights of men and women to enter into marriage and its legal consequences

Law No. 66, dated 28 June 1986, whereby Iraq ratified the Convention on the Elimination of All Forms of Discrimination against Women, provides for Iraq's reservation to article 16 to the effect that its application shall not go counter to rights granted by Islamic Law to husbands and wives with a view to maintaining equity between them.

It should be noted that this reservation is motivated by Iraq's concern for meeting its international obligations in accordance with the Convention on the one hand, and, on the other, its commitment to its cultural and jurisprudential heritage embodied in the Islamic shariah, regarded as the primary source of personal statute legislation and as a mandatory principle in this area.

As will be seen from the following review of Iraqi legislation related to article 16, such legislation is identical in essence with the spirit and intent of this article. In formulating the legal provisions concerning marriage and the family, Iraq has adopted an approach open to all Islamic schools of thought, with a view to achieving equality of rights between husband and wife. It even goes further, by granting women rights which are not granted to men, with a view to protecting them against any arbitrary actions.

The following is an explanation of Iraqi legislative texts governing the marriage contract and its effects.

Personal Statute Law No. 188 of 1959 and its amendments are considered the basic legislation governing personal statute issues in Iraq, including marriage, lineage, children's custody and guardianship. The law applies to all Iraqis except those subjected to a special law as provided for in article 2 of the Law.

This exception relates to non-Muslim citizens; the substantive conditions of the marriage contracts of such citizens and their abrogation are stipulated in regulations specific to their respective faith.

Courts of personal statute are empowered to ratify marriage contracts and examine the disputes resulting from the application of the Personal Statute Law to Iraqi Muslim citizens.

Courts of first instance are empowered to ratify marriage contracts and examine personal statute cases for non-Muslim Iraqis.

I. Competence in marriage contracts

Article 3 of the above-mentioned Law defines "marriage contract" as a contract between a man and a legitimate woman, the aim of which is to establish a life partnership and to produce offspring.

Article 7 requires, for marriage competence to be complete, that the candidates be sane and have reached 18 years of age.

A judge may authorize the marriage of a mentally ill candidate if it is proved by a medical report that his (her) marriage will not cause damage to society and that it is in his (her) interest to marry, provided that the other partner explicitly accepts such a marriage.

Article 8, as amended, provides that if a person asks to get married at the age of 15, a judge may authorize him (her) to do so if his (her) competence and physical condition so permit, and after obtaining the agreement of his (her) legal guardian; if the latter objects, the judge fixes a delay for him to agree; if he no longer objects or if his objection is considered unworthy, the judge shall authorize the marriage. The judge may authorize the marriage of a fifteen-year old in cases of extreme necessity and provided legal and physical maturity are ascertained.

The above provisions are identical in substance with the text of paragraph 2 of article 16 of the Convention, which prohibits the betrothal and the marriage of a child and declares it devoid of any legal effect. The minimum age for marriage is generally fixed at 18 years and, exceptionally and with the approval of the judge, 15 years.

II. Acceptance of a marriage contract and registration procedure

Acceptance of a marriage contract

Chapter 2 of the Personal Statute Law deals with the terms and conditions of a marriage contract.

Its article 4 provides that a marriage is contracted through an offer given orally or in a customary manner by a party to the contract and the acceptance of that offer by the other party or her representative.

Article 5 provides that competence in a marriage contract is established if the legal conditions required of the parties to the contract or their representatives are met.

Article 6 stipulates that a marriage contract is not valid if it fails to meet one of the contract or validity conditions cited below:

(a) Oneness of the offer and acceptance session;

(b) The hearing by each party to the contract of what the other party says, and their conclusion that what is meant is a marriage contract;

(c) Concordance of offer and acceptance;

(d) Testimony by two competent witnesses of the marriage contract;

(e) The contracts being independent of any pending condition or event.

Paragraph 2 of article 6 provides that marriage may be concluded for an absent candidate if that candidate writes to the person he wishes to marry, provided that she reads that letter or reads it in the presence of the witnesses or summarizes it for them and calls them as witnesses to her acceptance of his offer.

It is obvious from the text of article 6 that Iraqi law is strict about acceptance being fully and clearly reflected in the marriage contract if that contract is to be concluded. This fully implements paragraph 1(b) of article 16 of the Convention.

Rather than stopping there, the Law stipulates that duress in marriage is an offence punishable by law. Amended article 9 of the Personal Statute Law provides that:

1. Neither relatives nor aliens shall constrain any person, male or female, to marry against his (her) will. Marriage under duress shall be null and void if consummation has not taken place. Conversely, no relative or alien shall prevent a person from marrying who is competent to marry under the provisions of the present Law.

2. Violations of the provisions of paragraph 1 above shall be punishable by detention for a period not exceeding three years and/or a fine in the case of a first-degree relative. Otherwise the punishment shall be imprisonment for a period not exceeding ten years or detention for a period not less than three years.

3. The religious court or the personal statute court shall inform the investigation authorities so that they may prosecute the violator of paragraph 1 of this article. The said courts may arrest this person in order to ensure his presence before these authorities. The victim of constraint or prevention may appeal directly to the investigation authorities in this regard.

Registration of the marriage contract

Article 10 of the Personal Statute Law stipulates the following:

The marriage contract shall be registered at the competent court without the payment of any fees and on the following conditions:

1. Submission of a non-stamped statement on the identity of the parties to the contract indicating their age, the value of the dower and the absence of legal impediments. The statement shall be signed by both parties to the marriage contract and certified by the district or village chief or by two recognized personalities from among its inhabitants.

2. The statement shall be accompanied by a medical report confirming that the two partners are free from common diseases and from other health predicaments, and other documents stipulated by the law.

3. The substance of the statement shall be recorded in the register and signed or marked with a fingerprint by both parties to the marriage contract in the presence of the judge who is to certify it. The couple shall be provided with copies of the marriage deed.

4. The substance of the duly registered data shall be applied without further evidence and the dower indicated therein shall be paid unless it is contested in a competent court.

5. Any man contracting marriage outside a court shall be punished by detention for a period not less than six months and not more than a year or by a fine of not less than 300 dinars and not more than 1,000 dinars. If, in addition to a current marriage, a man contracts a second marriage outside a court, the detention period shall not be less than three years and shall not exceed five years.

The above provision is in conformity with the provision of paragraph 2 of article 16 on compulsory registration of marriage contracts. Marriage procedures for non-Muslims are carried out in accordance with the special rites of their respective religions, with the "acceptance" condition being confirmed. The marriage contract is registered in the court of first instance where the couple and witnesses sign in the presence of the judge, and where the couple are given copies of the marriage deed.

III. Iraqi legal controls on a man's marriage to a second wife

It is a well-known fact that the Islamic Shariah permits marriage to more than one wife.

In order to regulate and control this right, paragraphs 4, 5, 6 and 7 of article 3 of the Personal Statute Law stipulate the following:

1. Marriage to more than one wife shall not take place without permission from the judge. Such permission shall be subject to the following two conditions:

   (a) That the husband be financially capable of maintaining more than one wife;

   (b) That a legitimate interest is being served by this second marriage.

5. If justice between the two wives is likely not to be maintained according to the judge's estimation, no second wife shall be permitted.

6. Anyone concluding marriage contracts with more than one wife in contradiction to the provisions of paragraphs 4 and 5 above shall be punished by detention not exceeding one year and/or a fine not exceeding 100 dinars.

7. Notwithstanding the provisions of paragraphs 4 and 5 above, marriage to more than one wife shall be allowed if the would be wife is a widow.

Article 26 of the Law stipulates that a husband is not entitled to impose co-habitation with his second wife on his first wife.

Paragraph 3 of article 40 gives the wife the right to ask to be separated from her husband if he marries a second wife without the court's permission.

IV. A wife's rights arising from the marriage contract

Let us state, first of all, that a marriage contract does not prejudice a woman's legal competence or financial independence.

A wife has the right to keep her movable and immovable property and to administer it in the way deemed appropriate for her own interests. A woman's marital rights include a dower and an alimony. These are regulated in part III of the Personal Statute Law, articles 19-33 of which are summed up as follows:

Article 19

1. A wife is entitled to the dower designated in the contract. If no dower is fixed or mentioned, the wife shall be paid the same dower as that paid in an equivalent marriage.

2. If, prior to the marriage contract, a suitor gives his fiancée property on the account of the dower, and then either of the two parties decides not to go ahead with the contract or dies before its conclusion, the property may be returned in kind or, if that is no longer possible, in cash.

3. Presents shall be treated in the same way as donations.

Article 20

1. A dower may be advanced or delayed, totally or in part. When this is not indicated, custom shall be adhered to.

2. The delay stipulated for the dower in the contract shall be superseded in case of death or divorce.

Article 21

A wife is entitled to the entirety of the dower on the consummation of the marriage or at the death of either of the spouses. She shall be entitled to half the dower if divorce takes place before marriage is consummated.

Article 22

If separation takes place after the conclusion of an invalid contract, the woman shall be entitled to the lesser of the two dowers: that designated in the contract and that paid in equivalent marriages; if no dower is designated, she shall be entitled to the same dower as that paid in equivalent marriages.

In order to prevent the increase of the value of the dower as a means of putting pressure on the husband after the marriage contract has been registered, the Revolutionary Command Council issued Decision No. 352 dated 21 May 1987 in which is is stated:

1. If the parties agree to increase the amount of the dower designated in the registered marriage contract, a tax equivalent to half the said increase shall be imposed on them.

2. The personal statute court at which the marriage contract is registered shall be responsible for collecting the amount of the tax and depositing it in the State's treasury.

Marital maintenance

Article 23 of the Personal Statute Law provides for the following:

1. Maintenance is encumbent on the husband as of the date of a valid contract even if the wife is staying with her family, unless the husband demands that she joins him in his residence and she refuses for no valid reason.

2. The wife's refusal to join her husband shall be considered to be for a valid reason if the husband has failed to pay the advance dower or the maintenance.

Article 24 provides for the following:

1. The maintenance of a non-recalcitrant wife shall be considered a debt owed to her by her husband as of the day on which he failed to maintain her.

2. The maintenance includes food, clothing, accommodation and its accessories, medical costs incurred by the wife, and house help for a wife whose equals employ such help.

Article 25 deals with the cases where a wife is not entitled to maintenance; it provides for the following:

1. A wife shall not be entitled to maintenance in the following cases:

   (a) If she deserts her husband's home without permission or legitimate cause;

   (b) If she is detained as punishment for an offence;

   (c) If she refuses to travel with her husband without a legitimate excuse.

2. A wife shall not be obliged to obey her husband and shall not be considered recalcitrant if his demand for obedience is arbitrary and excessive, with the aim of causing her damage or restricting her freedom. The following are examples of what shall be deemed arbitrary or damaging:

   (a) The husband's failure to provide his wife with a (legitimate) home commensurate with the couple's social and economic situation;

   (b) If the legitimate home is so far from the wife's place of work that she cannot reconcile her home and work obligations;

   (c) If the legitimate home furniture does not belong to the husband;

   (d) If the wife suffers from an illness which prevents her from obeying her husband.

In order to take into consideration the situation of those who are in the course of discharging their military service in relation to the provision of a legitimate home, the Revolutionary Command Council issued Decision No. 1357 dated 9 December 1984, whose text runs as follows:

1. The provisions of subparagraphs 2(a) and 2(b) of article 25 of the Personal Statute Law shall not apply to husbands who are in the course of discharging their compulsory or reserve military service as long as they are discharging it.

2. This Decision shall enter into force on the date of its publication in the Official Gazette, shall be effective vis-á-vis cases in which no definite sentence has been passed, and shall apply throughout the war period.

Article 27 deals with the estimation of a wife's maintenance and it provides for the following:

1. Maintenance may be increased or reduced in the light of the couple's situation and the country's cost of living.

2. Legal proceedings relating to the increase or reduction of maintenance shall be accepted upon the occurrence of the events requiring such increase or reduction.

Article 29

If a husband leaves his wife without maintenance and disappears, goes away, or is lost, the judge shall deliver a sentence granting her maintenance as of the date on which evidence of the marriage is given and the wife swears that her husband has left her no maintenance and that she was not recalcitrant or a divorcee whose waiting period had expired; the judge shall permit her to incur debts in her husband's name in case of need.

Article 30

In the case of a wife who is insolvent and permitted to incur debts in accordance with the previous article: if there is someone who is legally committed to maintain her (if she is not living with her husband's family), that person shall be obliged to lend her money at her request and in accordance with his ability. He shall be entitled to claim reimbursement from the husband only. If she borrows money from an alien, her creditor may choose to claim reimbursement either from the wife or from the husband, if such a wife finds no one to lend her money and she is incapable of doing a paid job, it is the State which shall take her in charge.

Article 32 provides that:

Accumulated maintenance shall not be dropped in case of divorce or death of either couple.

Article 33 provides that:

A wife does not owe her husband obedience in matters which are contrary to Islamic Law, and a judge may deliver a sentence granting maintenance to such a wife.

Provisional maintenance for wives and loans extended by the State to wives in whose favour sentences have been delivered

Article 31 of the Personal Statute Law provides for the following:

1. In examining a maintenance case, a judge may decide to estimate provisional maintenance to be due to the wife from her husband. Such a decision shall be enforceable.

2. The said decision shall be dependent on the result of the original sentence in terms of the calculation or reimbursement of the maintenance.

In order to avoid lengthy procedures for the collection of provisional maintenance required to cover a subsistence need, the Revolutionary Command Council issued Decision No. 253 dated 18 February 1980, whose text runs as follows:

1. A fund named "Provisional Maintenance Fund" shall be established in the Ministry of Justice. It shall be financed from the general budget and shall serve for the loan of money to those wives in whose favour provisional maintenance sentences have been delivered, in accordance with the present Decision.

2. The Fund shall provide the executive authorities with the sums required for the disbursement of advances to those wives in whose favour provisional maintenance sentences have been delivered.

3. The disbursement of provisional maintenance advances in accordance with this Decision shall be limited to the children and the parents, on the basis of a decision taken by the competent court following verification of the insolvency of the maintenance claimant.

4. Those to whom the present Decision applies may present themselves to the executive authority nearest to their places of residence, for the execution of the provisional maintenance decision. The executive authority concerned shall pay the provisional maintenance advance from the sums allocated for that purpose.

5. Those in whose favour a provisional maintenance sentence has been delivered shall present, each time they request an advance, a statement from the competent court confirming that their maintenance cases are being pursued.

6. The payment of the advance shall be discontinued when the executive authority collects the maintenance decided by the court from the person against whom the sentence was delivered.

7. Provisional maintenance advances paid from the Fund to the person in whose favour the sentence was delivered shall be considered a privileged debt which the executive authority shall reimburse in accordance with the provisions of the execution law.

The legal effects of the wife's recalcitrance

It has already been stated that article 25 (of the Personal Statute Law) stipulates the cases where a wife shall not be entitled to marital alimony, most serious of which is her recalcitrance, i.e. her disobedience to her husband and her refusal to live with him. Paragraph 3 of article 25 of the said Law provides that:

The court shall give thorough consideration to the case before passing a judgement that a wife is recalcitrant in order to know the reasons of her refusal to obey her husband.

Paragraph 4 of the same article provides that:

The court shall pass a sentence that a wife is recalcitrant only after it has exhausted the possibilities of eliminating the causes of the wife's disobedience.

Paragraph 5 of that same article considers recalcitrance a cause for separation as follows:

(a) A wife may demand separation two years after the date on which the recalcitrance sentence has become definite, and the court shall then pass a separation sentence. In this case the delayed dower shall be dropped. If the wife has received the totality of the dower she shall be obliged to reimburse half of what she has received.

(b) A husband may demand separation after the recalcitrance sentence has become definite and the court shall then pass a separation sentence. The wife shall be obliged to reimburse the advance dower she has received and the delayed portion of the dower shall be dropped if the separation takes place before the consummation of the marriage. If, on the other hand, the separation takes place after the consummation of the marriage, the delayed dower shall be dropped and the wife shall be obliged to reimburse half of what she has received if she has received the entire dower.

Paragraph 6 the same article provides for the following:

In accordance with paragraph 5 of this article, separation shall be considered a "minor irrevocable divorce". We shall define what is meant by "minor irrevocable divorce" when we come to the section devoted to divorce.

V. Dissolution of marriage and equal rights for both spouses

The subject of dissolution of marriage covers three cases in which marriage is dissolved: divorce, judicial separation and elective separation (divorce at the instance of the wife).

We shall present the equal rights of spouses concerning the dissolution of marriage, in keeping with paragraph (c) of article 16 of the Convention.

Divorce: definition and legal effects

Article 34 of the Personal Statute Law defines divorce as follows: divorce is the abolition of the bond of marriage when effected by the husband, by the wife, if so entitled or authorized, or by the judge. The divorce is effected only in the manner prescribed by the Shariah, i.e.: by the husband; by the wife, if the marriage contract entitles her to do so; or by the judge, pursuant to an action initiated by either spouse.

Article 38 of the Law divides divorce into two types:

1. Revocable divorce: where the husband may return to live with his wife during the "Iddat" (the prescribed period of waiting after divorce) without concluding a new contract. Revocation is confirmed in the same manner as divorce.

2. Irrevocable divorce, which is of two types:

   (a) Minor irrevocable divorce: where the husband may remarry his wife by concluding a new contract.

   (b) Major irrevocable divorce: where the husband is forbidden to remarry the wife whom he has divorced three separate times and whose "Iddat" has elapsed.

Capacity for effecting divorce and availability of consent

The Personal Statute Law stipulates that the person effecting divorce shall have legal capacity. It prevents those lacking capacity or judgement from effecting divorce.

Article 35 of this Law provides the following:

Divorce by the following persons shall not be valid:

1. An alcoholic; an insane, deranged or coerced person; or a person who lacks judgement as a result of anger, sudden calamity, old age or illness.

2. A person who suffers from a terminal illness or is in a condition which often leads to death. In the event that a person suffering from such an illness or in such a condition dies, he shall be inherited by his wife.

Inadmissibility of conditional divorce

Article 36 provides the following:

Incomplete, conditional or verbal divorce shall not be valid. The purpose of this provision is to protect the seriousness of divorce and to prevent it from being subject to conditions or circumstances which are not related to marriage, to whims or to irresponsible utterances.

Methods and judicial procedures of effecting divorce

Article 37 provides the following:

1. A husband shall have the right to divorce his wife three times.

2. The divorce, which is coupled with a figure expressed verbally or by a sign, is effected only once.

3. A woman divorced from her husband three times shall be considered as having had major irrevocable divorce.

Article 39 provides the following:

1. A person wishing to divorce should initiate an action in the personal statute court requesting it to effect the divorce and request a judgement to that effect. If the person concerned is unable to go to court, he shall register the divorce in the court during the "Iddat".

2. The marriage contract shall remain in force until annulled by the court.

Basically, divorce is to be effected judicially, i.e. by means of an action to be initiated by either spouse as a result of which the court will hear the statements of both parties and then pass a judgement. The exception is to effect divorce without a court judgement. In all cases, divorce must be registered in the court during the "Iddat" as the husband's authority remains legally valid until annulled by the court.

Wife's compensation for the husband's arbitrary divorce

In order to protect the wife from arbitrary divorce, compensate her for any harm suffered, ensure her living and preserve her dignity, Law No. 51 of 1985 was

issued and became the text of paragraph 3 of article 39 of the Personal Statute Law, which provides as follows:

> "If the husband divorces his wife and the court ascertains that the divorce of the wife by the husband was arbitrary and that the wife suffered harm as a result thereof, the court shall, upon the wife's request, decide that compensation shall be paid to her by her husband as a lump sum to be estimated according to his financial position and to the degree of arbitrariness, provided that it does not exceed the amount of her maintenance for two years, in addition to her other established rights."

Right of the divorced wife to the [marital] residence

It has been found that many wives remain homeless after their divorce or separation. Therefore, having noted such cases, the political leadership deemed that justice should be done to the wife in whose case a court judgement for divorce or separation was passed, by giving her the right to reside for a sufficient period of time in the house or apartment where she used to live with her husband in order to find a residence for herself, as the husband is in a better position to find a residence for himself.

Accordingly, Law No. 77 of 25 July 1983 was issued under the title of the Right of the Divorced Wife to the [Marital] Residence. A paragraph 2 was added to article 1 of this Law, in accordance with Law No. 27 of 1988.

After amendment, the text of the Law became as follows:

Article 1:

1. The court hearing a case for the divorce or separation of a wife shall, at the wife's request, pass a judgement allowing her to continue residing without her husband, after divorce or separation, in the house or apartment where she used to live with him, if it is owned by him. This judgement shall be passed in conjunction with the divorce or separation judgement.

2. The divorced wife shall enjoy the right provided for in paragraph 1 of this article, even if her husband donated this house or apartment owned by him to a third party before divorce.

Article 2:

1. The residence of the divorced wife provided for under paragraph 1 shall be for a period of three years and free of charge, in accordance with the following conditions:

   (a) She shall not rent the house or apartment in whole or in part.

   (b) She shall not allow any person, other than those under her custody, to reside with her.

   (c) She shall not cause any damage to the house or apartment, other than simple damages caused by normal use.

2. Notwithstanding the provisions of paragraph 1(b), the wife may allow a person in a degree of consanguinity precluding marriage to reside with her, provided that no female among those who are supported by the husband and residing with her in the house or apartment exceed the age of custodianship.

Article 3:

The wife shall be deprived of this right in any of the following cases:

(a) If the reason for divorce or separation was adultery or disobedience coupled with estrangement.

(b) If she consented to divorce or separation.

(c) If separation was the result of a divorce at the instance of the wife.

(d) If she independently owned a house or apartment.

Article 4:

The court judgement ruling that the divorced wife shall continue to reside in the house or apartment shall be implemented by the Execution Department concerned. The Department shall have the residence vacated by the husband and those not allowed to reside with the wife, with the exception of those who are supported by the husband and accustomed to reside with her. The three-year period shall start from the date of vacation.

Article 5:

If the divorced wife violates any of the conditions provided for in article 2, the husband may initiate an action for the vacation of the house or apartment and the delivery thereof to him free from occupants. If the judgement for vacation is passed, she shall not have the right, under this Law, to another period of residence.

Article 6:

If the husband delays vacating the residence after being given notice by the Execution Department to vacate it pursuant to the provisions of the Execution Law, the legal executor shall issue a decision imposing a fine of 100 dinars for each day of delay, to be collected from him by an executory decision.

This is the right of the divorced wife to reside in the residence owned by the husband. In the case where the residence is rented, the matter is dealt with by special legislation.

The right of the divorced wife to the transfer to her of the husband's rental rights to the leased residence

The Revolutionary Command Council's Decision No. 1 of 2 January 1983 was issued and stipulated the following:

1. The rights and obligations relating to the leased house or apartment shall, when the wife is divorced, be transferred to her by her husband if she expresses her wish to occupy it as a lessee according to the lease contract signed by the husband.

Judicial separation of the spouses and its legal effects

Reasons for judicial separation

Article 40 of the Personal Statute Law provides as follows:

Each spouse shall have the right to request separation for any of the following reasons:

1. If any of the spouses commits a harmful act against the other or against their children, thus rendering the continuation of their married life impossible.

   Harmful acts include alcoholism or drug addiction, provided that they are proved by a report from a competent official medical board. Among harmful acts is also gambling in the marital home. (The paragraph was amended by Law No. 5 of 1986.)

2. If any of the spoused commits adultory, including homosexual acts in any form.

3. If the marriage contract was concluded before either spouse had completed 18 years of age, without the approval of the judge.

4. If the marriage was concluded outside the court by coercion and was consummated.

5. If the husband marries a second wife without the court's permission. In this case, based on paragraph 6 of article 3 of the Personal Statute Law, the first wife shall not have the right to initiate penal action in accordance with paragraph 1 of clause 2 of article 3 of the Code of Criminal Procedure.

Paragraph 1 of article 41 provides that either spouse shall have the right to request separation in the case of a dispute between them, whether before or after the consummation of marriage.

Article 43 of this Law provides as follows:

I. The wife shall have the right to request separation for any of the following reasons:

1. If her husband has been sentenced to a punishment depriving him of liberty for three years or more, even if he has funds which would enable her to provide for herself.

2. If the husband has unlawfully deserted his wife for two years or more, even if his domicile is known and he has funds which would enable her to provide for herself.

3. If the husband did not request his wife, with whom marriage was not consummated, to attend the wedding ceremony within two years from the date of conclusion of the marriage contract. Such request shall not be valid if the husband had not fulfilled his marital obligations.

4. If the wife has discovered that her husband was impotent or suffered from an organic or psychological disease which would prevent him from fulfilling his marital obligations or if the husband suffers therefrom after the consummation of marriage and it is proved by a report from a competent official medical board that he cannot be cured thereof. However, if the court finds that the reason is psychological, the separation shall be postponed for a period of one year, on the understanding that the wife shall enable the husband to consummate the marriage during that period.

5. If the husband was sterile or became sterile after marriage without having any living offspring.

6. If she found after concluding the marriage contract that her husband suffered from a disease which could be harmful to her in the case of cohabitation, such as leprosy, tuberculosis, syphillis or insanity, or he suffers from any of these or similar diseases after marriage; provided that, if the court finds after medical examination that the disease is curable, it shall delay separation until the disappearance of the disease, in which case the wife shall have the right to abstain from cohabitation with her husband throughout the period of delay. However, if the court learns that the disease will not be cured within a reasonable period, the husband refuses to divorce his wife and the wife insists on her request, the judge shall decide on the separation.

7. If the husband refuses to provide for his wife without any legitimate excuse, after giving him a respite for a maximum period of six months.

8. If maintenance could not be collected from the husband because of his absence, loss, disappearance or sentencing to imprisonment for a period of more than one year.

9. If the husband refuses to pay the maintenance decided by a court, after he is given a respite for a maximum period of six months by the Execution Department.

II. The wife shall have the right to request separation before the consummation of marriage, in which case the court must decide to effect separation, after the wife returns to the husband the dower which she received and all the expenses and established costs incurred by him for the purpose of marriage.

III. An Iraqi wife shall have the right to request to be separated from a husband who resides outside the country because of his being a citizen of a foreign state, if his residence abroad extends for not less than three years because he is prohibited from entering the country or he refuses to enter it.

The confirmation by the official authority concerned, of the husband's residence abroad shall, for the purposes of this paragraph, be considered a substitute for the procedures of serving him with the case papers and notifying him of the time of hearing, on the understanding that the court judgement passed against the husband shall be published in one of the local newspapers.

(This paragraph was added in accordance with the Revolutionary Command Council's Decision No. 1128 of 21 September 1985.)

The Revolutionary Command Council's Decision No. 1708 of 17 December 1987 gives the wife the right to request separation in the case of a court judgement convicting her husband of high treason.

The Revolutionary Command Council's Decision No. 1539 of 31 December 1985 also provides as follows:

(i) The wife shall have the right to request separation from her husband if he fails to report for military service, deserts from military service for more than six months or flees to the enemy side. The court shall decide on separation, with the wife reserving all her marital rights.

(ii) Separation in accordance with this Decision shall be considered as a revocable divorce which allows the husband to return to live with his wife if he resumes military service or returns from desertion during the "Iddat".

(iii) If the husband repeats his desertion and another court judgement for separation is passed in accordance with the provisions of this Decision, the separation in this case shall be considered as a minor irrevocable divorce.

Procedures of judicial separation

The separation action shall be filed with the personal statute court by either spouse. Before passing the judgement, the court shall comply with the procedures provided for under paragraphs 2, 3 and 4 of article 41 of the Personal Statute Law, which are as follows:

2. The court shall investigate the reasons for the dispute. If the dispute is established by it, the court shall appoint an arbitrator from the wife's family and another from the husband's family, if any, to reconcile them. If such arbitrators cannot be found, the court shall entrust the spouses with selecting two arbitrators. If they do not agree, the court shall select the arbitrators.

3. The two arbitrators shall do their best to achieve reconciliation. If they fail, they shall refer the matter to the court indicating which party was at fault. If they disagree, the court shall add a third arbitrator to them.

4. If it is established by the court that the dispute between the spouses remains, it has failed to reconcile them and the husband refuses to divorce his wife, the court shall separate them.

Article 42 of the Law provides as follows:

In the event that the separation suit is dismissed for any of the reasons provided for under article 40 of this Law, because such a reason was not proven, and the dismissal has become definitive, and then another separation suit is filed for the same reason, the court shall resort to arbitration in accordance with the provisions of article 41.

The judgement of the personal statute court shall be subject to appeal before the court of cassation.

Legal consequences of juridical separation

Paragraph (b) of article 41 provides that:

"If separation occurs after marriage consummation, the deferred dower shall be dropped if failure is on the part of the wife, whether she is the plaintiff or the defendant. If she has already received the totality of the dower, she shall be required to return not more than half of it. If, on the other hand, failure proves to be on both sides, the deferred dower shall be divided between them proportionately with the degree of failure attributed to them respectively."

Paragraph (c) of the same article provides that:

"If separation occurs before marriage consummation and failure is proved to be on the part of the wife, she shall be required to return the advance dower she has received."

Article 45 of the Law provides that:

"Separation in the cases dealt with in articles 40, 41, 42 and 43 shall be considered 'minor irrevocable divorce'."

The meaning of "minor irrevocable divorce" has already been explained in the paragraphs dealing with the definition of "divorce" in accordance with article 38 of the Personal Statute Law.

Voluntary separation (Al-Khal^{c})

Article 46 of the Law provides that:

"1. Al-Khal^{c} is the removal of the marriage bond through an offer and its acceptance in the presence of a judge, taking into consideration the provision of article 39 of this Law.

"2. For a khal^{c} divorce to be valid, the husband should be competent to divorce and the wife deserving of it. Al-Khal^{c} results in an irrevocable divorce.

"3. A husband and wife may mutually divorce by khal^{c} against a sum of money which is more or less than the dower."

The above is a summary of Iraqi legislation governing marriage contracts, their conclusion, their dissolution and the consequences thereof. It proves that the Iraqi legislator has guaranteed equal rights for husband and wife in accordance with the Islamic Shariah without adhering to any given school of religious thinking. All schools have been taken into consideration, with the aim of preserving women's dignity and protecting her legal status within the framework of equality of rights for men and women.

This leads to the same results as paragraphs (a), (b) and (c) of article 16 of the Convention on the Elimination of all Forms of Discrimination against Women.

The rights of parents to the custody of their children

Chapter 2 of part VI of the Personal Statute Law deals with the subject of children's fostering and custody.

Article 57 provides for the following:

1. A mother is more entitled to the custody of her child during her marriage. The same applies after separation unless it is prejudicial to the child.

2. A custodian (mother) must be of age, sane, honest and capable of assuming custody of the child, of bringing it up and of taking care of it. A divorced mother who remarries does not lose her right of custody. It shall be up to the court to decide on giving the child's custody to the mother or to the father in the light of the interests of the child. (As amended by Law No. 107 of 1987.)

3. If the custodian differs with the person who has to bear the cost of the child's custody on the custodian's remuneration, the court shall decide that amount. No remuneration is payable to a mother who is still married to the father or who has remarried the father following a revocable divorce.

4. A father may tend to the affairs of the child in its mother's custody, its upbringing and education until it reaches the age of 10. The court may decide to extend the custody period till the age of 15 if, after consultation of competent medical and popular committees, it is proved that this is in the interests of the child, provided that the child lives at its custodian's home.

5. A child who reaches the age of 15 shall have the right of choice to live with either of its parents or with a relative until he is 18 years old, if the court believes that it is competent to choose.

6. A custodian whose custody has been terminated by a court decision may demand the recovery of the child from the person to whom it was assigned by that decision if it is proved that that person's custody is prejudicial to the child.

7. If the child's mother dies or ceases to satisfy one of the conditions required for custody, the child's custody shall be transferred to the father unless this is not in the child's interests; in the latter case the child's custody shall be transferred to a custodian chosen by the court with the child's interests in mind.

8. If neither of the parents is competent for the child's custody, the court shall entrust the child to an honest custodian or to a public nursery where these exist.

9. (a) If the child's father ceases to satisfy one of the conditions required for custody, the child shall remain with its mother as long as she meets all the required conditions and if there is no other female or male relative who claims that right, until the child reaches majority age.

(b) If the child's father dies, the child shall remain with his mother even if she gets married to a stranger among the Iraqis on condition that:

(i) The mother still retains all other custody conditions.

(ii) The court is convinced that the child's remaining in its mother's custody will not be prejudicial to it.

(iii) The stepfather (if the mother remarries) undertakes to take care of the child and not to cause him harm.

(c) A stepfather's failure to fulfil the undertaking provided for in (b)(iii) above shall give the court sufficient reason to remove the child from its mother's custody.

The General Federation of Iraqi Women's headquarters is a centre where a parent can meet his (her) child

In order to facilitate a parent's meeting with his (her) child kept in custody by the other parent in accordance with a decision by a personal statute court, and since the headquarters of the General Federation of Iraqi Women is more appropriate for such meetings than court buildings or police centres, and in recognition of the Federation's role, the Revolutionary Command Council adopted Decision No. 211 dated 15 February 1984, which reads as follows:

> A meeting between a parent and his (her) child shall take place, according to a personal statute court's decision, at the headquarters of the General Federation of Iraqi Women, in the locality where the child lives with its custodian.

The above provisions should cover paragraph (f) of article 16 of the Convention.

A wife's rights to retain her family name and to choose an occupation or a profession

Civil statutes legislation in Iraq has no provision stipulating that a wife has to replace her family name on getting married. She therefore preserves her legal personality including her family name. Her identity document is to have the mention that she is married to so-and-so.

A woman's marriage does not affect her freedom to choose her profession or occupation under labour or civil service legislation.

Obstacles to the application of the provisions of the Convention

Having provided, in this initial report, a summary account of the Iraqi legislation relating to discrimination against women and of its application, we must point out that there is in Iraq a political will to eliminate discrimination against women as shown in the present report.

However, we must also underline the major difficulties and obstacles standing in the way of the full implementation of the Convention. These difficulties are the outcome of substantive and historical circumstances which cannot be overcome easily or in a short time, since they have been brought about by the economic, social and cultural underdevelopment of the societies of developing countries including Iraq, as well as by the present unjust international economic order, as has been stated in the preamble of the Convention.

Due to prevailing customs and traditions and the way society sees women and their role in economic, social, cultural and political activities, women cannot be liberated in isolation from society as a whole, including men who have also suffered the effects of underdevelopment. This will require an effort in which all public and private sectors must participate. The General Federation of Iraqi Women has played a significant role in the promotion and protection of women in Iraq.

Iraq would like to emphasize that, generally speaking, the application of international human rights conventions should not be regarded unilaterally but should rather be seen in the context of cultural, religious and national diversity and specificity within the framework of the human values provided for in international conventions.

LIST OF TABLES ANNEXED TO THE REPORT

Table No.

1. The evolution of the number of male and female staff in Iraq and the percentage of female staff in relation to the total staff from 1940 to 1986.

2. The percentage of female staff occupying government posts by educational level as on 31 December 1987.

3. Kindergartens and the percentage of female children therein.

4. Primary school enrolment and the percentage of female enrolment.

5. Number of coeducational primary schools in Iraq.

6. Primary school teaching staff and the percentage of female teachers.

7. Secondary school enrolment and the percentage of female enrolment.

8. The number of secondary schools and the percentage of girls' and coeducational schools.

9. The number of secondary school staff.

10. The number of male and female students in vocational schools and the percentage of female enrolment.

11. Teaching staff in vocational schools and the percentage of female teachers.

12. Teacher-training institutes enrolment and the percentage of female enrolment.

13. Teaching staff of teacher-training institutes and the percentage of female teachers.

14. The number of male and female students in Iraqi universities and technical institutes and the percentage of female students.

15. Teaching staff of universities and technical institutes and the percentage of female teachers.

16. University graduates and the percentage of female graduates.

17. Enrolment in post-graduate studies.

18. The number of workers in big industrial firms in the socialist, mixed and private sectors and the percentage of female workers.

19. Nurseries and the percentage of female children therein.

20. Number of gynaecological, midwifery and paediatric hospitals and their percentages in relation to the total number of hospitals.

21. Surgical operations by type of operation and sex of patient.

22. Medical practitioners working in hospitals and the percentage of females.

23. Medical practitioners working in other health units and the percentage of females.

* * * * *

Table 1

The evolution of the number of male and female staff in Iraq and the percentage of female staff in relation to the total staff from 1940 to 1986*

Years	Total male staff	Total female staff	Total, both sexes	Female staff (%)
1940	100	15	115	13
1941 - 1945	525	28	553	5
1946 - 1950	1 848	109	1 957	5.5
1951 - 1955	5 456	522	1 978	8.7
1956 - 1960	23 756	3 784	27 540	13.7
1961 - 1965	39 316	9 302	48 618	19
1966 - 1970	53 491	8 870	62 361	14
1971 - 1975	143 782	34 803	178 585	19.4
1976 - 1980	276 217	88 435	355 652	24.8
1981 - 1985	107 862	110 724	218 586	50.6
1986 and after	20 172	43 993	64 165	68.5

* Data for all statistical tables annexed to the report is drawn from the Annual Statistical Series of the Ministry of Planning for the years 1986, 1987 and 1988. These have been considered base years since the Convention came into effect in 1986.

Table 2

The percentage of female staff occupying government posts by educational level as on 31 December 1987

Educational level	Males	Females	Total	Females (%)
Without academic qualifications	267 133	37 303	304 441	12.25
Primary	117 038	26 843	143 881	18
Intermediate	37 692	25 320	63 012	40
Secondary	78 227	95 518	173 745	54
Diploma	49 599	38 791	88 390	44
Bachelor's degree	61 514	51 867	113 381	45
Higher diploma	2 535	881	3 416	26
Master's degree	4 593	1 229	5 822	21
Doctor's degree	3 667	378	4 045	9

Table 3

Kindergartens: percentage of female children; comparative table taken from the Ministry of Planning's Statistical Series for 1988

School year	Number of kindergartens	Number of children			Female children (%)
		Males	Females	Total	
1979/80	358	47 262	33 156	80 418	41
1980/81	387	39 836	36 671	76 507	48
1981/82	437	42 134	39 315	81 449	48
1982/83	507	41 319	38 137	79 456	48
1983/84	523	39 808	36 855	76 663	48
1984/85	549	42 058	38 754	80 812	48
1985/86	584	42 827	38 606	81 431	47.5
1986/87	612	42 162	38 102	80 264	47.5
1987/88	594	39 580	36 978	76 558	48
1988/89	614	44 492	40 604	85 096	47.7

Table 4

Primary school enrolment and the percentage of female enrolment

School year	Male pupils	Male pupils (%)	Female pupils	Female pupils (%)	Total
1979/80	1 434 067	55	1 174 866	45	2 608 933
1980/81	1 400 018	54	1 212 314	46	2 612 332
1981/82	1 397 575	53	1 229 448	47	2 637 023
1982/83	1 400 517	53.6	1 214 410	46.4	2 614 927
1983/84	1 465 483	54.3	1 233 059	45.7	2 698 542
1984/85	1 513 115	55.1	1 233 182	44.9	2 746 297
1985/86	1 554 082	55.3	1 258 434	44.7	2 812 516
1986/87	1 614 834	55.4	1 302 640	44.6	2 917 474
1987/88	1 644 373	54.9	1 352 580	45.1	2 996 953
1988/89	1 760 775	55.5	1 431 253	44.1	3 012 028

Table 5

Number of coeducational primary schools in Iraq: their percentage in relation to total schools in each governorate in the school year 1988/89; comparative totals for 1988/89, 1987/88, 1986/87. Comparative table taken from the Ministry of Planning's Statistical Series

Governorate	Boys' schools	Girls' schools	Coeducational schools	Total	Coeducational schools (%)
Nīnawā	121	70	796	987	80
Salāh-el Dīn	63	42	939	544	80
Al-Ta'mīm	41	18	403	462	87
Diālī	44	28	630	702	89
Baghdad	94	31	785	910	86
Al-Anbār	83	68	389	540	72
Bābel	10	8	516	534	96.6
Karbila'	14	14	162	190	85
Al-Najaf	67	69	136	272	50
Al-Qādisiyyah	19	18	327	364	89
Al-Mathnā	7	6	192	205	93.5
Thī Qār	19	9	449	477	94
Wāsit	30	14	373	417	89.5
Mīsān	12	3	247	262	94
Al-Basrah	65	29	244	338	72
Autonomous Region					
Dahouk	20	18	81	119	68
Arbīl	51	31	304	386	79
Al-Sulaimāniyyah	13	5	203	221	92
Total	773	481	6 676	7 930	84
Total for 1986/87	800	460	6 950	8 210	84
Total for 1987/88	804	473	6 677	7 954	83.94

Table 6

Primary school teaching staff in Iraqi Governorates; percentage of female teachers; comparative totals and percentages for 1988/89, 1987/88, 1986/87

Governorates	Male teachers	Female teachers	Total	Female teachers (%)
Nīnawā	4 313	6 806	11 119	61
Salāh-el Dīn	2 165	3 628	5 793	62.6
Al-Ta'mīm	1 924	3 645	5 569	65.4
Diālī	3 186	5 498	8 884	61.8
Baghdad	4 391	21 611	26 002	83
Al-Anbār	2 934	4 080	7 014	58
Bābel	2 986	5 470	8 456	64.6
Karbila'	1 163	2 550	3 713	68.6
Al-Najaf	1 558	3 385	3 943	68.4
Al-Qadisiyyah	1 258	2 754	4 012	68.6
Al-Mathnā	617	2 077	2 644	78.5
Thī Qaz	2 211	3 715	5 926	62.6
Wāsit	1 708	3 514	5 222	67.2
Mīsān	1 298	2 130	3 428	62
Al-Basrah	2 603	3 831	6 434	59.5
Autonomous Region				
Dahouk	917	1 555	2 472	63
Arbīl	1 992	3 882	5 874	66
Al-Sulaimāniyyah	1 598	3 186	4 784	66.2
Total 1988/89	38 823	83 266	122 089	68.2
Total 1987/88	39 373	79 907	119 280	66.9
Total 1986/87	42 014	80 394	122 408	65.6

Table 7

Secondary school (lower and upper) enrolment and the percentage of female enrolment from 1979/80 to 1988/89

School year	Male students	Male students (%)	Female students	Female students (%)	Total
1979/80	626 588	69.8	271 112	30.2	897 700
1980/81	646 478	68	303 664	33	950 142
1981/82	686 159	70.8	332 450	29.2	1 018 609
1982/83	636 930	65.5	334 897	34.5	971 827
1983/84	630 523	65.5	331 480	34.5	962 003
1984/85	646 581	64.9	350 041	35.1	996 622
1985/86	660 346	64	371 217	36	1 031 560
1986/87	636 400	62.9	376 026	37.1	1 012 426
1987/88	609 000	61.8	376 123	38.2	985 123
1988/89	602 334	61.4	379 075	38.6	981 409

Table 8

The number of boys', girls' and coeducational secondary scools in Iraqi governorates for 1988/89, compared with those for 1987/88 and 1986/87

Governorate	Boys' schools	%	Girls' schools	%	Coeducational schools	%	Total
Nīnawā	98	49.25	47	23.6	54	27	199
Salāh-el-Dīn	52	36.1	35	24.3	57	39.5	144
Al-Ta'mīm	67	51.5	37	28.4	26	20	130
Diālī	49	30	39	24.4	74	45.6	162
Baghdad	237	49.06	239	49.4	7	1.4	483
Al-Anbār	90	51.4	47	26.8	38	21.7	175
Bābel	31	22.1	34	24.2	75	53.5	140
Karbila'	30	42.8	28	40	12	17.2	70
Al-Najaf	42	46.6	31	34.4	17	19	90
Al-Qādisiyyah	26	34.2	28	36.8	22	29	76
Al-Mathnā	17	40.4	11	26.1	14	33.5	42
Thī Qār	44	35	36	28.5	46	36.5	126
Wāsit	29	37.6	24	31.2	24	31.2	77
Misān	17	31	15	27.2	23	41.8	55
Al-Basrah	70	43	60	36.8	34	20.2	163
Autonomous Region							
Dahouk	15	31.25	9	18.75	24	50	48
Arbīl	43	40	27	25	38	35	108
Al-Sulaimāniyyah	42	43	27	27.5	29	29.5	98
Total 1988/89	999	41.8	774	32.2	614	26	2 387
Total 1987/88	951	41.3	732	31.7	623	27	2 306
Total 1986/87	937	40.4	740	31.5	638	28.1	2 315

Table 9

Secondary school teaching staff and the percentage of female teachers in 1988/89; comparative totals and percentages for 1988/89, 1987/88, 1986/87

Governorate	Male teachers	Female teachers	Total	Female teachers (%)
Nīnawā	1 479	1 732	3 211	53.9
Salāh-el-Dīn	942	751	1 693	44.3
Al-Ta'mīm	799	994	1 793	55.4
Diālī	1 321	1 334	2 655	50.2
Baghdad	4 737	8 604	13 341	64.5
Al-Anbār	1 462	1 043	2 505	41.6
Bābel	1 443	1 615	3 058	52.8
Karbila'	677	743	1 420	52.3
Al-Najaf	842	889	1 731	51.3
Al-Qādisiyyah	618	644	1 262	51
Al-Mathnā	248	327	575	56.8
Thī Qār	733	744	1 477	50.3
Wāsit	616	814	1 430	57
Misān	385	453	838	54
Al-Basrah	1 423	1 257	2 680	46.9
Autonomous Region				
Dahouk	302	309	611	50
Arbīl	648	833	1 481	56.2
Al-Sulaimāniyyah	529	539	1 068	50.4
Total 1988/89	19 204	23 625	42 829	55.1
Total 1987/88	18 298	22 140	40 438	54.75
Total 1986/87	18 458	20 830	39 261	53.05

Table 10

Male and female students in vocational schools (agricultural, industrial and commercial) in Iraqi governorates for 1988/89; comparative figures for 1988/89, 1987/88, 1986/87

Governorates	Male students	Female students	Total	Female students (%)
Nīnawā	7 710	2 194	9 904	22
Salāh-el Dīn	4 356	610	4 966	12.25
Al-Ta'mīm	4 455	1 698	6 153	27.5
Diālī	6 372	2 469	8 841	28
Baghdad	29 452	18 850	48 302	39
Al-Anbār	5 001	981	5 982	16.4
Bābel	7 363	3 282	10 645	31
Karbila'	2 985	1 477	4 462	33
Al-Najaf	4 450	1 625	6 075	26.7
Al-Qādisiyyah	3 484	1 591	5 075	31.3
Al-Mathnā	2 042	561	2 603	21.5
Thī Qāz	4 984	1 865	6 849	27.25
Wāsit	4 384	1 414	5 798	24.3
Mīsān	3 226	859	4 085	21
Al-Basrah	7 079	2 433	9 512	25.5
Autonomous Region				
Dahouk	1 458	476	1 934	24.6
Arbīl	3 932	1 338	5 270	25.3
Al-Sulaimāniyyah	5 007	2 184	7 191	30.3
Total 1988/89	107 740	45 907	153 647	29.87
Total 1987/88	103 990	40 313	144 303	27.93
Total 1986/87	97 846	35 722	133 568	26.74

Table 11

Teaching staff in vocational schools (agricultural, industrial, commercial) in Iraqi governoratores; comparative figures for 1988/89, 1987/88, 1986/87

Governorate	Male teachers	Female teachers	Total	Female teachers (%)
Ninawā	435	240	675	35.5
Salāh-el-Dīn	243	89	332	26.8
Al-Ta'mīm	271	166	437	38
Dialī	344	231	575	40.1
Baghdad	961	1 827	2 788	65.5
Al-Anbār	278	121	399	30.3
Bābel	397	347	744	46.6
Karbila'	184	108	292	37
Al-Najaf	249	107	356	30
Al-Qādisiyyah	212	104	316	33
Al-Mathnā	163	34	197	17.25
Thī Qāz	221	91	312	29.1
Wāsit	231	124	355	35
Mīsān	124	25	149	16.7
Al-Basrah	267	164	431	38
Autonomous Region				
Dahouk	123	35	158	22
Arbīl	303	153	456	33.5
Al-Sulaimāniyyah	229	122	351	34.7
Total 1988/89	5 235	4 088	9 323	43.84
Total 1987/88	4 561	3 750	8 316	45.15
Total 1986/87	4 346	3 314	7 660	43.26

Table 12

Male and female students at teacher-training institutes for 1988/89; comparative figures for 1988/89, 1987/88, 1986/87

Governorate	Male students	Female students	Total	Female students (%)
Nīnawā	460	683	1 143	59.75
Salāh-el-Dīn	320	611	931	56.62
Al-Ta'mīm	549	1 046	1 595	65.57
Diālī	531	679	1 210	56.1
Baghdad	1 597	2 437	4 043	60.2
Al-Anbār	517	762	1 279	59.57
Bābel	642	809	1 451	55.75
Karbila'	386	545	931	58.53
Al-Najaf	512	636	1 148	55.4
Al-Qādisiyyah	266	631	897	70.34
Al-Mathnā	317	316	633	49.92
Thī Qār	687	1 111	1 798	61.79
Wāsit	473	723	1 196	60.45
Mīsān	532	817	1 349	60.5
Al-Basrah	1 055	1 390	2 443	56.9
Autonomous Region				
Dahouk	278	505	787	64.16
Arbīl	457	551	1 008	54.6
Al-Sulaimāniyyah	559	784	1 343	58.3
Total 1988/89	10 136	15 036	25 172	59.73
Total 1987/88	11 938	18 427	30 363	60.68
Total 1986/87	10 484	17 680	28 164	62.77

Table 13

Teaching staff of teacher-training institutes for 1988/89: comparative figures for 1988/89, 1987/88, 1986/87

Governorate	Male teachers	Female teachers	Total	Female teachers (%)
Nīnawā	49	33	82	40.24
Salāh-el-Dīn	28	44	72	61.1
Al-Ta'mīm	52	25	77	32.46
Dialī	48	26	74	35.1
Baghdad	108	133	241	55
Al-Anbār	38	36	74	48.6
Bābel	50	27	77	35
Karbila'	30	34	64	53
Al-Najaf	35	33	68	48.5
Al-Qādisiyyah	38	27	65	41.5
Al-Mathnā	24	15	39	38.4
Thī Qaz	25	28	53	52.8
Wāsit	33	42	75	56
Mīsān	39	23	62	37
Al-Basrah	49	49	98	50
Autonomous Region				
Dahouk	23	28	51	54.9
Arbīl	24	28	52	53.8
Al-Sulaimāniyyah	26	17	43	39.5
Total 1988/89	719	648	1 367	47.4
Total 1987/88	866	694	1 560	44.4
Total 1986/87	791	652	1 443	45.18

Table 14

The number of male and female students in Iraqi universities and technical institutes for the academic year 1988/89; percentages of female students; comparative figures for 1988/89, 1987/88, 1986/87

Name of the university/institute	Male students	Female students	Total	Female students (%)
Baghdad University	33 342	22 009	55 351	39.7
Basrah University	9 955	5 098	15 053	33.8
Mosul University	15 663	5 902	21 565	27.3
Salah-el-Din University	5 535	2 556	8 091	31.6
Mustansiriyyah University	10 374	7 213	17 587	41
Technological University	6 834	2 156	8 990	24
Kūfa University	1 853	743	2 596	28.6
Tikrīt University	-	160	160	100
Anbār University	166	190	356	53.3
Qādisiyyah University	359	170	529	32.1
Technical Institutions Group	31 939	15 529	47 468	32.7
Total public Universities	116 020	61 726	177 746	34.7
Heritage University College	377	354	731	48.4
Almansour University College	409	210	619	34
Al-Rafidain University College	284	78	362	21.5
Total private universities	1 070	642	1 712	37.5
Total 1988	117 090	62 368	179 458	34.75
Total 1987	99 005	54 240	154 245	35.39
Total 1986	93 705	48 790	142 495	34.23

Table 15

Teaching staff at Iraqi universities and technical institutes; percentage of female teachers from 1979/80 to 1988/89

Academic year	Male teaching staff	Female teaching staff	Total	Female teaching staff (%)
1979/80	4 795	825	5 680	14.52
1980/81	5 466	1 049	6 515	16.1
1981/82	5 826	1 117	6 943	16.08
1982/83	5 468	1 206	6 674	18.07
1983/84	5 646	1 288	6 934	18.57
1984/85	5 902	1 378	7 280	18.92
1985/86	6 104	1 512	7 616	19.85
1986/87	6 608	1 719	8 327	20.64
1987/88	6 893	1 912	8 805	21.71
1988/89	7 381	2 077	9 458	21.96

Table 16

Iraqi university graduates and the percentage of female graduates from 1979/80 to 1987/89

Academic year	Male	Female	Total	Female (%)
1979/80	14 288	6 729	21 017	32
1980/81	12 030	6 592	18 622	35.3
1981/82	15 050	7 258	23 308	31.1
1982/83	16 125	7 946	24 071	33
1983/84	15 339	8 799	24 138	36.4
1984/85	16 263	9 544	25 807	36.9
1985/86	17 910	10 192	28 102	36.2
1986/87	17 979	9 078	27 057	33.5
1987/88	13 715	10 764	24 479	43.9

Table 17

Enrolment in post-graduate studies in academic year 1987/88

Name of university	Male	Female	Total	Female (%)
Baghdad University	2 110	638	2 748	23.2
Basrah University	196	54	250	21.6
Mosul University	394	121	515	23.4
Salah-el-Din University	135	25	160	15.6
Mustansiriyyah University	223	65	288	22.5
Kūfa University	31	3	34	8
Technological University	226	53	279	18.9
Iraqi Higher Board for Medical Specialization	43	6	49	12.2
Total	3 358	956	4 323	22.1

Table 18

The number of male and female workers in big industrial firms in the socialist, mixed and private sectors during 1987 and comparative figures for 1986 and 1985

Industry	Sector	Male workers	Female workers	Total	Female workers (%)
Metallurgy & extraction industries	Socialist	1 907	63	1 970	3.19
	Mixed	-	-	-	-
	Private	10	-	10	-
	Total	1 917	63	1 980	3
Food industries	Socialist	16 485	2 746	19 231	14.2
	Mixed	-	-	-	-
	Private	2 836	602	3 438	17.5
	Total	19 321	3 348	22 669	17.7
Drinks	Socialist	2 976	971	3 947	24.6
	Mixed	698	150	848	17.6
	Private	902	104	1 006	10.3
	Total	4 576	1 225	5 801	21.1
Cigarettes	Socialist	2 010	435	2 445	17.1
	Mixed	-	-	-	-
	Private	-	-	-	-
	Total	2 010	435	2 445	17.7
Textiles	Socialist	18 831	5 487	24 318	22.5
	Mixed	-	-	-	-
	Private	1 756	324	2 080	15.5
	Total	20 587	5 811	26 398	22
Ready-made clothes	Socilalist	743	1 455	2 198	66
	Mixed	111	497	608	81.7
	Private	175	330	505	65.3
	Co-operative	62	356	418	85.1
	Total	1 091	2 638	3 729	70.7
Leather, excluding shoes	Private	90	1	91	1.09
	Total	90	1	91	1.09
Shoes	Socialist	3 717	873	4 590	19
	Private	265	86	351	24.5
	Total	3 982	959	4 941	19.4
Wood and furniture	Socialist	1 087	71	1 158	6.1
	Co-operative	15	2	17	11.7
	Private	92	2	94	2.1
	Total	1 194	75	1 296	57
Printing paper	Socialist	7 114	1 640	8 754	18.7
	Mixed	170	75	245	30
	Private	605	170	775	21.9
	Total	7 889	1 885	9 774	19.2

Table 18 (cont'd.)

Industry	Sector	Male workers	Female workers	Total	Female workers (%)
Chemicals and petroleum products	Socialist	23 420	2 183	25 603	8.52
	Mixed	993	293	1 286	22.7
	Private	1 764	174	1 938	8.97
	Total	26 177	2 650	28 827	9.19
Metal ore products	Socialist	14 250	2 014	16 264	12.3
	Mixed	162	23	185	12.4
	Private	2 846	275	3 121	8.8
	Total	17 258	2 312	19 570	11.8
Basic metal industries	Socialist	712	147	859	17.1
	Total	712	147	859	17.1
Manufactured metal products	Socialist	160	19	179	10.6
	Private	833	36	869	4.01
	Total	993	55	1 048	5.25
Machine manufacture and repair	Mixed	2 652	494	3 146	10.7
	Private	279	16	295	5.4
	Total	2 931	510	3 441	14.8
Electric appliances	Socialist	4 018	909	4 927	18.4
	Mixed	693	674	1 367	49.3
	Private	244	17	261	6.5
	Total	4 955	1 600	6 555	24.4
Means of transport: manufacture and repair	Mixed	363	68	431	15.7
	Private	136	29	165	17.5
	Total	499	97	596	16.2
Measurement and control instruments	Private	4	12	16	75
	Total	4	12	16	75
Other manufacturing industries	Socialist	95 523	18 950	114 473	16.5
	Mixed	5 842	2 274	8 116	28
	Co-operative	77	358	435	82.8
	Private	12 827	2 178	15 005	14.5
	Total	114 269	23 760	138 029	17.2
General total for 1987	Socialist	97 430	19 013	116 443	16.3
	Mixed	5 842	2 274	8 116	28
	Co-operative	77	358	435	82.2
	Private	12 837	2 178	15 015	14.5
	Total	116 186	23 823	140 009	17.01
Total for 1986		154 669	27 377	182 046	15
Total for 1985		152 311	26 034	178 343	14.6

Table 19

Nurseries in Iraqi governorates in 1988; male and female children therein; comparative figures for 1988, 1987 and 1986

Governorate	Number of nurseries	Male Children	Female Children	Total
Nīnawā	20	309	324	633
Salāh-el Dīn	6	88	71	159
Al-Ta'mīm	10	148	110	258
Diālī	4	94	115	209
Baghdad	113	2 195	1 936	4 131
Al-Anbār	8	134	113	247
Bābel	13	174	143	317
Karbila'	3	46	42	88
Al-Najaf	7	80	71	151
Al-Qādisiyyah	4	83	54	137
Al-Mathnā	3	47	37	84
Thī Qār	6	64	42	106
Wāsit	2	29	23	52
Misān	3	28	29	57
Al-Basrah	9	157	153	292
Autonomous Region				
Dahouk	2	47	32	79
Arbīl	6	111	116	227
Al-Sulaimāniyyah	4	67	55	122
Total 1988	223	3 901	3 448	7 349
Total 1987	226	5 265	5 027	10 292
Total 1986	278	6 834	6 093	12 927

Table 20

The number of gynaecological, midwifery, maternity and paediatric hospitals, number of beds and number of internal patients in 1986, 1987 and 1988

	Number of hospitals	% to total hospitals	Number of beds	% to total beds	Number of internal patients	% to total patients
1986						
Gynaecological and midwifery	8	3.6	1 296	4	135 551	13
Maternity and paediatric	8	3.6	2 005	6.2	111 332	10.6
Paediatric	14	6.1	2 301	7.2	139 906	13.3
Total	30	13.3	5 602	17.4	386 789	36.9
1987						
Gynaecological and midwifery	8	3.4	1 370	4.3	122 966	11.2
Maternity and paediatric	8	3.4	2 109	6.6	143 211	12.9
Paediatric	12	5.2	2 038	6.4	160 574	14.6
Total	28	12	5 517	17.3	426 751	38.7
1988						
Gynaecological and midwifery	10	3.9	1 576	5	149 765	12.1
Maternity and paediatric	8	3.1	2 080	7.2	160 146	12.9
Paediatric	11	4.3	1 858	6.4	165 072	3.3
Total	29	11.3	5 514	18.6	474 983	38.3

Table 21

The number of surgical operations performed in hospitals during 1988 by type of operation and sex of patient

	Male patients	Female patients	Total	Female patients (%)
Major surgical operations	89 334	99 189	188 523	52.6
Minor surgical operations	194 026	185 723	379 749	48.9
Total	283 360	284 912	568 272	50.1

Table 22

The number of medical practitioners working in hosptials by specialization and the percentage of women in 1988

	Male	Female	Total	Female (%)
Specialists	1 052	375	1 427	26.27
Generalists	3 622	2 031	5 653	35.9
Dentists	121	219	340	64.4
Pharmacologists	189	697	886	78.6
Total	4 984	3 322	8 306	39.3

Table 23

The number of medical practitioners working in other health units by specialization and the percentage of women in 1988

	Male	Female	Total	Female (%)
Specialists	173	49	222	22
Generalists	670	765	1 435	52.2
Dentists	579	654	1 233	53
Pharmacologists	198	429	627	67.4
Total	1 620	1 897	3 517	53.9